THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 30th August 1961

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

English Text-Book

* 294 *Q.*—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of copies of English Text-Book published by the Department of Education for Standard V in 1960–61;

(*b*) the amount spent on the publication; and

(*c*) the amount realised by sale up to 1st July 1960?

THE HON. SRI C. SUBRAMANIAM : (*a*) 5,50,000.

(*b*) Roughly Rupees Three Lakhs.

(*c*) Rs. 2·13 lakhs up to 31st August 1960.

SRI T. P. SRINIVASAVARADAN : May I know what is the sale price of each copy?

THE HON. SRI C. SUBRAMANIAM : 65 nP.

SRI T. P. SRINIVASAVARADAN : It is stated that the amount spent on publication is Rs. 3 lakhs and that the amount realised by way of sale of books is Rs. 2·13 lakhs. Am I to understand that Government have incurred a loss?

THE HON. SRI C. SUBRAMANIAM : There are some more copies to be sold.

SRI T. P. SRINIVASAVARADAN : May I know how many copies still remain to be sold?

THE HON. SRI C. SUBRAMANIAM : I do not have the exact figure. My impression is that about a lakh or a lakh and a half books remain to be sold.

SRI T. P. SRINIVASAVARADAN : May I know whether complaints have been received that there were a number of mistakes in the text-book?

THE HON. SRI C. SUBRAMANIAM : Some suggestions were made for improvement. There were not technically mistakes. Some suggestions were made that the phraseology could be changed. When another edition is brought out, it will be kept in view.

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DR. A. CHIDAMBARANATHAN : Is it a fact that the same text-book will be used next year also and that there may not be any loss?

THE HON. SRI C. SUBRAMANIAM : I have already informed the hon. Member that there won't be any loss because a lakh or a lakh and a half books have to be sold. The same text-book has been prescribed for this year also. I am sure all the copies would be sold this year.

Language Pandits

* 295 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that the qualifications prescribed for the Language Pandits in the State are insisted on in the case of those in Kanyakumari district; and

(*b*) whether there is any proposal to equate the Travancore-Cochin State qualifications with the qualifications of this State in respect of the Language Pandits?

THE HON. SRI C. SUBRAMANIAM : (*a*) Yes, Sir. In the case of individuals appointed after 1st November 1956.

(*b*) No general proposal is under consideration.

SRI G. KRISHNAMOORTHY : With regard to Pandits already appointed—Malayalam and Hindi Pandits appointed prior to 1st November 1956 and who held confirmed posts—cannot their qualifications be equated with Madras qualifications?

THE HON. SRI C. SUBRAMANIAM : The Madras qualification requires a training. But as far as Kerala was concerned, no training was required. Therefore, those qualifications cannot be equated with these.

SRI G. KRISHNAMOORTHY : Is it a fact that IX Class certificate-holders with teacher training certificates and the Sahitya Visharad of the Travancore-Cochin University have not been promoted to the old second grade of the Travancore-Cochin State though Tamil Pandits have been promoted like that?

THE HON. SRI C. SUBRAMANIAM : We have got a qualification prescribed for being appointed as Pandits, that is, they should have had the training, either the Pandits' training or the secondary grade training. If there was the training for those persons who were already employed, then certainly they would have got into the Madras grade. Those who did not have that qualification will be kept on in the Travancore-Cochin State scale of pay. When they acquire the qualification, they are eligible to get into the Madras scale.

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SRI G. KRISHNAMOORTHY : May I know whether it is a fact that in 1957 a few months after the merger, Middle School Tamil Pandits were promoted as the then Second Grade Travancore-Cochin Pandits whereas Malayalam and Hindi Pandits on a par with those qualifications were not promoted though there were vacancies?

THE HON. SRI C. SUBRAMANIAM : I do not have the information.

Prize Bonds

* 296 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any instructions have been issued to the District Collectors for the sale of Prize Bonds ; and

(*b*) if so, what they are?

THE HON. SRI C. SUBRAMANIAM : (*a*) & (*b*) A statement [a] is placed on the table of the House.

DR. A. SREENIVASAN : Is it part of the duties of the Government servants to indulge in these extra activities to the detriment of their official work?

THE HON. SRI C. SUBRAMANIAM : We always take care that their routine duties are not upset by these special duties. In the present context of economic development these are also duties of the Government servants.

DR. A. SREENIVASAN : Does not the Minister consider that the public are likely to take undue advantage of the contact they establish with these officials when they purchase these bonds?

THE HON. SRI C. SUBRAMANIAM : We have got full confidence in our public servants. I do not think they will get soiled as tbe hon. Member thinks.

DR. A. SREENIVASAN : Do not the Government adopt a particular method in collecting loans? Why did not the Government adopt that method in the case of sale of these bonds?

THE HON. SRI C. SUBRAMANIAM : Loan is quite different from prize bonds. Therefore, a different procedure will have to be laid down for different collections.

DR. A. SREENIVASAN : Is it a fact that certain officials harassed some people when they refused to purchase these prize bonds?

THE HON. SRI C. SUBRAMANIAM. This is a very vague allegation. I am unable to say 'yes' or 'no'.

DR. A. SREENIVASAN : One P. K. Thangavelu.

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a Printed as Appendix I on page 329 infra.

THE HON. SRI C. SUBRAMANIAM : I do not think individual cases like this can be brought up.

DR. A. SREENIVASAN : I want the indulgence for only one minute. I have got hundreds of letters and it is not possible for me to send them on to the Government. I am taking only one example to prove the fact that there has been . . .

THE HON. SRI C. SUBRAMANIAM : The hon. Member is reading from a paper. He is not entitled to do so .

Water-supply to Tiruchirappalli town

* 297 *Q.*—SRI M. SUBBIAH CHETTIAR : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the source of water supply to Tiruchirappalli town is protected and, if so, the area so protected; and

(*b*) whether it is a fact that villagers resident near and around the source of water-supply pollute the water and, if so, the steps taken or proposed to be taken to prevent such pollution?

THE HON. SRI M. A. MANICKAVELU : (*a*) Yes, Sir. The area protected extends to nearly 1,500 feet on either side of the pumping main.

(*b*) Yes, Sir. A fence has been erected all along the bund of the river. The gate that was kept locked was broken many times necessitating reports to Police. The Municipal Council provided a public fountain outside the fence so that the people near by might use it and not enter the Padugai lands and then into the river. Due to persuasion, the number of trespassers is gradually going down.

SRI M. SUBBIAH CHETTIAR : Is it a fact that a gate is provided in the fence for the use of the villagers who are living nearby?

THE HON. SRI M. A. MANICKAVELU : A gate is provided and they make use of it. They go through it and get into the river foully. That is why we tried the Police method. But ultimately persuasion produced better results. The number of trespassers is going down.

SRI M. SUBBIAH CHETTIAR : Why is a gate provided in the middle?

THE HON. SRI M. A. MANICKAVELU : If it is all fence, how can anyone go? Even a legitimate man could not go then. He must have an opening to go. Previously there was no fence at all. When we put up a fence, there must also be a gate.

SRI G. KRISHNAMOORTHY : Is the water supplied to Tiruchirappalli town drawn from wells sunk in the river bank or drawn from the Cauvery flowing waters?

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THE HON. SRI M. A. MANICKAVELU : It is drawn from sub-soil wells.

Ophthalmic Hospital, Egmore

* 298 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) the number of posts kept vacant in the Ophthalmic Hospital, Egmore, Madras, as on 1st March 1961; and

(*b*) the period from which they remain vacant and the reasons for the same?

THE HON. SRI M. A. MANICKAVELU : (*a*) Four posts of Assistant Surgeons.

(*b*) One post was vacant from 2nd July, 1960, another from 13th July 1960, the third from 31st December, 1960 and the fourth from 6th February, 1961. They were vacant mainly due to the paucity of qualified candidates for appointment. All the four posts have since been filled up in the first fortnight of April, 1961.

Mangalur Panchayat

* 299 *Q.*—SRI A. GAJAPATHY NAYAGAR : Will the Hon. the Minister for Finance be pleased to state whether there is any higher elementary school in Mangalur Panchayat in Vridhachalam taluk, South Arcot district?

THE HON. SRI C. SUBRAMANIAM : There is one higher elementary school in the village.

Drawing masters

* 300 *Q.*—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state the qualification essential in the case of drawing masters in aided secondary schools to entitle them to the special pay of Rs. 5 under the revised scales?

THE HON. SRI C. SUBRAMANIAM : (*i*) A pass in III Form and a Government Diploma in Drawing

or

(ii) A completed S.S.L.C. and a pass in Government technical examination by higher grade in free-hand outline and model drawing.

SRI G. KRISHNAMOORTHY : Am I to undrstand that this Rs. 5 extra pay is applicable to both these categories?

THE HON. SRI C. SUBRAMANIAM : Yes.

SRI G. KRISHNAMOORTHY : May I inform the Government that there are breaches of this rule with regard to payment and can the Government examine this question as to how this can be enforced? What is the real agency through which the payment of this special pay is enforced under the revised scales?

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THE HON. SRI C. SUBRAMANIAM : Only the particular teacher will have to be paid. There is no separate agency.

SRI G. KRISHNAMOORTHY : Have the Government issued instructions to their auditors to see during their audit whether the revised scales have been fixed and, if not fixed, to enforce them?

THE HON. SRI C. SUBRAMANIAM : I am sure the teachers are quite aware of what they are entitled to get. If there are any grievances, they may be brought to the notice of the appropriate authorities.

Tuberculosis Chemotherapy Centre

3-10 p.m. * 301 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there is any Tuberculosis Chemotherapy Centre at Madras; and

(*b*) if so, the work done by the Centre so far?

THE HON. SRI M. A. MANICKAVELU : (*a*) Yes, Sir.

(*b*) A statement [a] is placed on the table of the House.

DR. A. SREENIVASAN : Is it a fact that the Madras Government were unable to assist the centre financially and that that is the reason why the Centre thought of shifting it to Bangalore?

THE HON. SRI M. A. MANICKAVELU : No, not that way, Sir. As regards research centres, there was a pattern. Now that pattern has been changed and in respect of all research centres, the financial implication is to be met entirely by the Central Government. We pointed that out to the Central Government but without giving any reply to that, they said that the object of the centre had been fulfilled and that there was no necessity for the continuance of the research centre.

DR. A. SREENIVASAN : Is it not a fact that the Union Public Health Minister in a statement told the press that the Madras Government were unable to meet their part of the expenses and that that was the reason why he was compelled to close?

THE HON. SRI M. A. MANICKAVELU : No, not that the Madras Government were unable to. They pointed out that it was the liability of the Central Government to meet the expenditure in view of the changed pattern effected by them, namely, that the centre should be mainly run by them. We pointed that out to them but without giving a reply, suddenly they closed the centre.

Underground drainage system in Kancheepuram

* 302 *Q.*—SRI A. K. THANGAVEL MUDALIAR : Will the Hon. the Minister for Revenue be pleased to state whether there is any proposal to introduce underground drainage system in Kancheepuram, Chingleput district?

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[a] Printed as Appendix II on pages 329-332 infra.

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THE HON. SRI M. A. MANICKAVELU : No, Sir.

SRI A. K. THANGAVEL MUDALIAR. பெருமை வாய்ந்த ஸ்தலமாக இருப்பதால், யாத்திரிகர்களும் பார்வையாளர்களும் நிறைய வருவதால், ஐந்தாண்டுத் திட்டத்தில் ஏதாவது செய்ய ஏற்பாடு செய்வீர்களா ?

THE HON. SRI M. A. MANICKAVELU : **Drainage** திட்டத்தை எடுத்துக்கொள்வதற்கு முன் குடிதண்ணீர் திட்டம் மிகவும் அவசியம். அநேக முனிசிபாலிடிகளில் குடிதண்ணீர் திட்டம் இல்லை. ஆகையால், அதற்கு முதல் முக்கியத்துவம் கொடுக்க வேண்டுமென்று இருக்கிறோம். அந்த அடிப்படையில் அதிகமாக இந்த **Drainage** திட்டத்தை எடுத்துக் கொள்வதற்கில்லை. அதுதான் எடுத்துச் சொல்லியிருக்கிறேன். ஆனால், முனிசிபாலிடிகளே அந்தப் பணத்தைச் செலவு பண்ணுவதாக இருந்தால், ஆட்சேபணையில்லை. கவர்ன்மெண்டிலிருந்து பண உதவி கொடுத்துச் செய்வதாக இருந்தால், முதலில் குடிதண்ணீருக்குத்தான் வசதி செய்து கொடுக்கும் நிலையில் இருக்கிறது.

SRI M. ETHIRAJALU . மூன்றாவது ஐந்தாண்டுத் திட்டத்தில் எத்தனை நகரசபைகளில் இந்த drainage திட்டம் . . .

MR. CHAIRMAN : This is not a supplementary question arising out of the main question.

DR. A. SREENIVASAN : May I know whether there is any scheme ready with the Government for supply of potable water to the city of Kancheepuram?

THE HON. SRI M. A. MANICKAVELU : They have got it already. There is a scheme. (Interruption) If it is not sufficient, it has got to be augmented. Now the idea is to have water-supply schemes for all municipalities under the Third Plan.

Bridge across the river Tambaraparani

* 303 *Q*.—SRI S. P. SIVASUBRAMANYA NADAR : Will the Hon. the Minister for Works be pleased to state—

(*a*) whether there is any proposal to construct a bridge across the river Tambaraparani between Tirunelveli and Palayamcottai; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI P. KAKKAN : (*a*) & (*b*) There is a proposal to construct a bridge across Tambaraparani river on the new byepass road to the National Highway 7 proposed to be formed outside the municipal limits of Tirunelveli and Palayamcottai. The proposal has been forwarded to the Government of India for inclusion in the Third Five-Year Plan and their orders are awaited. There is also another proposal to construct a submersible bridge between Tirunelveli and Palayamcottai within municipal limits near the existing Sulochana Mudaliar bridge, as the bridge on the proposed byepass road outside the municipal limit may not be of use to the local public. This proposal is just being examined by the Chief Engineer (Highways and Rural Works).

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Sri S. P. SIVASUBRAMANYA NADAR : Is there any proposal to widen the present bridge?

The Hon. Sri P. KAKKAN : There is no such proposal.

Encroachments on Highways

* 304 *Q.*—Sri M. SUBBIAH CHETTIAR : Will the Hon. the Minister for Works be pleased to state—

(*a*) the instructions, if any, issued to the Highways Engineers in regard to the removal of encroachments on Highways in road margins;

(*b*) the principles laid down in this regard; and

(*c*) the action taken for the removal of such encroachments?

The Hon. Sri P. KAKKAN : (*a*) The Chief Engineer (Highways and Rural Works) has issued the following instructions to the Superintending Engineers (Highways and Rural Works) and Divisional Engineers (Highways and Rural Works) in his Circular, dated 27th June 1960.

"It has been brought to the notice of the Chief Engineer (Highways) that there are many unauthorised encroachments on the road side margins by way of removal of earth from the berms, erection of brick kilns, storing materials for private construction, etc. Besides hindering the free flow of traffic, such encroachments ultimately lead to the deterioration of the berms, and the side drains endangering the very road structures in the long run and resulting in unnecessary expenditure to Government.

The Officers of this Department are therefore instructed to take immediate steps to evict all such unauthorised encroachments forthwith and also ensure that such practices are not resorted to in future".

(*b*) The normal width for National Highway, State Highway, Major District Road and other District Road is 200′, 200′, 100′, and 80′ respectively. If the encroachments exist outside the normal width of the road concerned, such encroachments will be treated as unobjectionable and concurrence will be given to the Revenue Department to grant licence or lease for those encroachments. If the encroachments are within the normal width of the Road, they will be treated as objectionable and the Revenue Department will be requested to evict the encroachments under Sections 6 and 7 of the Land Encroachments Act.

(*c*) Revenue authorities will take necessary action to evict the encroachments on road margin under sections 6 and 7 of the Land Encroachment Act as and when cases of objectionable encroachments are brought to the notice of the Revenue authorities by the Highways Department.

Sri M. SUBBIAH CHETTIAR : Is the Hon. Minister aware of the fact that the encroachments are there even after the order issued by the Government?

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THE HON. SRI P. KAKKAN : If the hon. Member would give specific instances, we will look into them.

SRI M. SUBBIAH CHETTIAR : In Trichy-Karur Road at Pattavaithalai, there are several cases of encroachments on the main road and fresh encroachments are taking place everyday. I would like to know what steps the Government have taken to evict or stop such encroachments.

THE HON. SRI P. KAKKAN : I will look into the matter.

SRI A. GAJAPATHY NAYAGAR : Near Vadalur Gnana Sabai for nearly a furlong there is encroachment on the main road and that spoils the beauty of the place. Will the Hon. Minister take steps to evict such encroachments?

THE HON. SRI P. KAKKAN : I will ask the Chief Engineer to look into the matter.

THE HON. SRI C. SUBRAMANIAM : Sir, the real difficulty is this. One set of people want removal of such encroachments and another set of people encourage such encroachments.

SRI M. SUBBIAH CHETTIAR : Which side do the Government support?

SRI A. K. THANGAVEL MUDALIAR : நெடுஞ்சாலை ரோடுகளிலும் சாதாரண ரோடுகளிலும் நெல் உலர்த்தப்படுகிறது. அது சர்க்காருக்குத் தெரியுமா ?

THE HON. SRI P. KAKKAN : கனம் அங்கத்தினர் அவர்கள் கேள்வியைத் திரும்பச் சொல்லும்படி கேட்டுக்கொள்ளுகிறேன்.

SRI A. K. THANGAVEL MUDALIAR : மெயின்ரோடிலே, நெடுஞ்சாலை ரோடுகளிலே நெல் உலர்த்தப்படுகிறது. ஒரு பக்கத்தையே அவர்கள் எடுத்துக் கொள்கிறார்கள். அதை சர்க்கார் கவனித்து நீக்க ஏதாவது நடவடிக்கை எடுக்குமா ?

THE HON. SRI P. KAKKAN : சிமிண்டு அல்லது தார்போட்ட ரோடுகளிலே நெல் காயவைப்பதை நான்கூட பார்த்திருக்கிறேன். அதைக் கூடாது என்று சொல்லியிருக்கிறோம். மழை இல்லாத காலங்களில் அவர்கள் அப்படிப் போடுகிறார்கள்.

Express bus routes

* 305 *Q.*—SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Electricity be pleased to state—

(*a*) the number of express bus routes sanctioned and allotted during 1960;

(*b*) the number taken by the State Transport Department and the number allotted to private operators and the co-operative societies respectively; and

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(c) the number of cases challenging the allotment of bus routes pending in the High Court as on 31st December 1960 with reference to each section of the Motor Vehicles Act or the Government Order relating to that Act?

THE HON. SRI V. RAMAIAH : (a) Twelve buses on seven routes.

(b) Madras State Transport Department—one bus on one route.

Private operators—five buses on five routes.

Co-operative societies—six buses on five routes.

(c) Seven. This relates to permits granted prior to 1960.

SRI S. K. SAMBANDHAN : I would like to know the answer to clause (c).

THE HON. SRI V. RAMAIAH : Seven. This relates to permits granted prior to 1960.

SRI S. K. SAMBANDHAN : Will the Hon. Minister kindly tell us the number of cases under each section pending before the High Court?

THE HON. SRI V. RAMAIAH : A separate question may be put.

SRI M. SUBBIAH CHETTIAR : May I know whether there is any proposal to run an Express bus between Tiruchirappalli and Bangalore?

THE HON. SRI V. RAMAIAH : That question has to be put to my Hon. Colleague.

SRI S. K. SAMBANDHAN : Is the Hon. Minister aware that all the seven cases pending before the High Court relate to one Government Order issued in 1958?

THE HON. SRI V. RAMAIAH : I do not know under what Government Order they are pending or for what reasons they are pending. If the hon. Member is very particular about getting the information, he may put a separate question.

SRI S. K. SAMBANDHAN : I have asked for this information in my main question itself. I wanted to know under what section or order the cases are pending before the High Court. I will put the question again as desired by the Hon. Minister.

Supply of coal

3-20 p.m.

*306 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Electricity be pleased to state, with reference to the answer given to Legislative Council Question No. 111 on 4th March 1961, the reasons for the variations in the middleman's commission in the supply of coal to Basin Bridge Power Station from 25 nP. to 40 nP. per ton?

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THE HON. SRI V. RAMAIAH : As already stated in my reply to question No. 111 on 4th March 1961, as per the Colliery Control Order a middleman's commission not exceeding Re. 1 per ton is payable to the suppliers. The contractor who quoted a middleman's commission of 25 nP. per ton was in a position to supply only about 1,000 tons per month as against the monthly requirement of the order of 10,000 tons. As the only other contractor who had the capacity to supply the balance was not prepared to accept a middleman's commission of 25 nP., but wanted 40 nP. per ton, the Electricity Board had no other alternative except to accept the higher middleman's commission demanded by the contractor.

DR. A. SREENIVASAN : Sir, was any action taken by the Electricity Board against the contractor who was not able to fulfil the terms of his contract entered into with the Board?

THE HON. SRI V. RAMAIAH : There was no need for taking action, because he could not supply the ten thousand tons. So, we had to go for another who could supply the ten thousand tons.

DR. A. SREENIVASAN : If the terms of the contract are not fulfilled, he will have to forfeit his contract.

THE HON. SRI V. RAMAIAH : He has quoted only for 1,000 tons at that commission rate. We were not satisfied with the supply of 1,000 tons. So, we had to go to the man who was prepared to supply our full requirements.

Bridges

* 307 *Q.*—SRI A. K. THANGAVEL MUDALIAR : Will the Hon. the Minister for Works be pleased to state—

(*a*) whether there is any proposal to widen the bridges on the National and State Highways;

(*b*) the number of bridges likely to be taken up for execution during 1961–62; and

(*c*) the number of bridges proposed to be widened during the Third Five-Year Plan?

THE HON. SRI P. KAKKAN : (*a*) Yes, Sir.

(*b*) Three works on State Highways have been sanctioned for execution during 1961–62. Works on National Highways will be taken up as and when sanction of the Government of India is received.

(*c*) Thirty-seven works on State Highways are proposed to be taken up under the Third Plan. Seventeen works on National Highways are also proposed to be taken up during the Third Plan Period with the approval of the Government of India.

SRI A. K. THANGAVEL MUDALIAR : விளங்கவில்லை. தயவு செய்து விளங்கும்படி தமிழில் சொல்லும்படி கேட்டுக் கொள்ளுகிறேன்.

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THE HON. SRI P. KAKKAN : முதல் கேள்விக்குப் பதில், 'உண்டு'. இரண்டாவதுக்கு, இப்போது ஸ்டேட் ஹைவேசில் மூன்று திட்டங்கள் 1961-62-ல் நிறைவேற்ற சாங்ஷன் ஆகியிருக்கிறது. நேஷனல் ஹைவேஸ் வேலைகள் மத்திய அரசாங்கத்திலிருந்து அங்கீகாரம் வந்தவுடன் எடுத்துக்கொள்ளப்படும். மூன்றாவதுக்கு, மூன்றாவது திட்டத்தில் ஸ்டேட் ஹைவேசில் 37 வேலைகள் எடுத்துக்கொள்ள அங்கீகரிக்கப்பட்டிருக்கின்றன. நேஷனல் ஹேவேசில் அதாவது தேசியப் பெருவழிச் சாலையிலே 17 வேலைகள் எடுத்துக் கொள்ள சாங்ஷன் ஆகியிருக்கிறது. இந்திய அரசாங்க உத்திரவு கிடைத்த பிறகு அவை எடுத்துக்கொள்ளப்படும்.

SRI K. T. KOSALRAM : நேஷனல் ஹைவேசில் 3 இடங்களில் சாங்ஷன் செய்யப்பட்டிருப்பதாகச் சொல்லப்படுகிறது. எந்தெந்த இடங்களில் என்று தயவுசெய்து சொல்லமுடியுமா ?

THE HON. SRI P. KAKKAN : (1) Reconstructing the bridge at mile 119/2 to 6 of Cuddalore-Chittoor road in South Arcot District. Rough cost, Rs. 34 lakhs.

(2) Tirunelveli District : Widening the culvert at mile 57/7 of Quilon-Shencottah road. Rough cost, Rs. 40,000.

(3) Widening the culvert at mile 58/6 of Quilon-Shencottah road. Rough cost, Rs. 25,000.

VIDWAN T. MUTHUKANNAPPAN : இந்த தேசிய நெடுஞ்சாலையிலே உள்ள ஒரு பாலத்தை அகலமாக்குவதாகச் சொல்லப்பட்டிருக்கிறது. அந்த ஒரு பாலம் எது ?

THE HON. SRI P. KAKKAN : ஒரு பாலம் என்று இல்லை. 17 வேலைகள் சொல்லப்பட்டிருக்கின்றன. பதினேழும் டிவிஷன் வாரியாக வரும். ராமநாதபுரம் டிவிஷனிலே 7 வேலைகள், தென்னாற்காடு டிவிஷனிலே 2, சேலம் டிவிஷனிலே 1, ஈரோடு டிவிஷனிலே 1, திருச்சி டிவிஷனிலே 2, திண்டுக்கல் டிவிஷனிலே 1, கோயம்புத்தூர் டிவிஷனிலே 1, கன்னியாகுமரி டிவிஷனிலே 1, கிருஷ்ணகிரி டிவிஷனிலே 1, ஆக 17.

SRI M. SUBBIAH CHETTIAR : கனம் மந்திரி அவர்கள், ஸ்டேட் ஹைவேசில் 37 வேலைகள் விரிவுபடுத்துவதாகச் சொல்லி இருக்கிறார்கள். திருச்சி, சேலம் ரோடில் வளையப்பட்டிக்குப் பக்கத்திலுள்ள சிறிய பாலத்தையும், திருச்சி-தஞ்சாவூர் ரோடில் உள்ள செங்கிப்பட்டிக்குப் பக்கத்திலுள்ள அகலக்குறைவான பாலங்களையும் விரிவுபடுத்தும் திட்டம் இருக்கிறதா ?

THE HON. SRI P. KAKKAN : கனம் அங்கத்தினர் அவர்களுக்கு டிவிஷன் வாரியாகச் சொல்கிறேன். அதிலிருந்து தெரிந்துகொள்ளலாம் —

North Arcot Division	1
South Arcot Division	1
Salem Division	9
Krishnagiri Division	7

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Coimbatore Division	4
Tiruchirappalli Division	1
Dindigul Division	1
Ramanathapuram Division	8
Tirunelveli Division	7
Kanyakumari Division	5
	37

SRI M. SUBBIAH CHETTIAR : இந்தப் பாலம் தஞ்சாவூர் ஜில்லாவில் இருப்பதாகத் தெரிகிறது.

THE HON. SRI P. KAKKAN : அதுபற்றித் தனியாகக் கேட்டால், அதற்குச் சொல்லலாம்.

SRI K. BALASUBRAMANYA AYYAR : மர்மலாங் பாலம் சைதாப்பேட்டைக்குப் பக்கத்தில் இருக்கிறது. அதைப்பற்றித் திட்டம் இருக்கிறதா ?

THE HON. SRI P. KAKKAN : அதையும் புதுப்பிப்பதற்கு மத்திய அரசாங்கம் அங்கீகாரம் பெற்று எடுத்துக்கொள்ள ஏற்பாடு செய்யப்படும்.

VIDWAN T. MUTHUKANNAPPAN : மூன்றுவது ஐந்தாண்டுத் திட்டத்தில் செங்கற்பட்டு மாவட்டத்தில் எத்தனை பாலங்கள் அகலப்படுத்த உத்தேசித்திருக்கிறார்கள் ?

THE HON. SRI P. KAKKAN : செங்கற்பட்டு இதில் வரவில்லை. தனியாகக் கேட்டால் அதைப் பார்த்துச் சொல்கிறேன்.

SRI A. K. THANGAVEL MUDALIAR : 1961-62-ல் மூன்றுவது ஐந்தாண்டுத் திட்டத்தில் அகலப்படுத்தப்போகும் பாலங்கள்பற்றி கேள்வி கேட்டிருக்கிறேன். அதற்கு ஐயா அவர்கள் முதலிலேயே ஸ்பெசிபிக்காக எழுதி முன்னமேயே கொடுத்து விட்டால் சௌகரியமாக இருக்குமென்று தெரிவித்துக்கொள்ளுகிறேன்.

THE HON. SRI P. KAKKAN : கனம் அங்கத்தினர் அவர்கள் அதைப் பற்றி முழுவிவரம் கேட்டால், கொடுப்பதைப்பற்றி ஆட்சேபணை இல்லை.

SRI A. K. THANGAVEL MUDALIAR : கேள்வியிலேயே முழு விவரம் வேண்டுமென்றுதான் கேட்டிருக்கிறேன்.

Attenders

* 308 *Q*.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Works be pleased to state, with reference to the answer given to the Legislative Council Question No. 89 on 18th March 1960—

(*a*) whether the services of the Attenders have since been regularized; and

(*b*) if so, whether they have been paid arrears of increments since the date of regularization?

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THE HON. SRI P. KAKKAN : (a) Yes, Sir.

(b) They have been allowed arrears of increment only from 28th January 1961, the date on which their services were ordered to be regularized.

SRI G. KRISHNAMOORTHY : Is it a fact, Sir, that their pay has not been fixed even though the Government Order was passed in January?

THE HON. SRI P. KAKKAN : I have no information. A separate question may be put.

SRI G. KRISHNAMOORTHY : As in the case of the eight attenders whose services were regularized in 1959, increment was given with retrospective effect under rule 23 (1) of the general rules, cannot the Government examine the question of just giving them retrospective increments in these 25 cases also?

THE HON. SRI P. KAKKAN : They are eligible for arrears of increment only from 28th January 1961, that is, from the date of the order. Though they can count their service from the date of regularization, for the purpose of increment, retrospective effect cannot be given.

SRI G. KRISHNAMOORTHY : My point is this, Sir. As in the case of the eight attenders, where the rules were relaxed and retrospective effect given for increments, cannot the Government re-examine the question and give them increments with retrospective effect?

THE HON. SRI P. KAKKAN : The Chief Engineer (Highways and Rural Works) has confirmed that the pay of the seven attenders has been fixed in the scale of pay applicable to posts (Rs. 55–1–70) consequent on the regularization of their services and that they have been allowed arrears from 28th January 1961.

SRI A. K. THANGAVEL MUDALIYAR : தலைவர் அவர்களே கேள்வியில் அட்டெண்டர் 'பனி' என்று போட்டிருக்கிறதே. அதன் அர்த்தம் என்னவென்று தெரியவில்லை.

MR. CHAIRMAN : It is only a spelling mistake.

Questions are over.

II.—GOVERNMENT BILLS.

(1) THE MADRAS CULTIVATING TENANTS' PROTECTION AND PAYMENT OF FAIR RENT (AMENDMENT) BILL, 1961 (L.A. BILL NO. 28 OF 1961).

THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

3-30 p.m.

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill[a], 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration."

[a] Printed as Appendix III on pages 332–335 infra.

30th August 1961] [Sri M. A. Manickavelu]

The provisions of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956), were extended to Shencottah taluk of Tirunelveli district, by the Madras Cultivating Tenants Protection and Payment of Fair Rent (Extension to Shencottah Taluk) Act, 1959 (Madras Act No. 28 of 1959), with effect from 2nd March 1960. Certain difficulties have been experienced in the working of the Acts in Shencottah taluk. This Bill seeks to remove those difficulties. I shall now briefly explain the provisions of the Bill.

Sir, the Madras Cultivating Tenants Protection Act and the Madras Cultivating Tenants (Payment of Fair Rent) Act were respectively passed in 1955 and 1956. They were extended to Kanyakumari district with effect from 2nd March 1960. Thereafter certain anomalies were found in the Acts which were extended. Certain crucial dates are mentioned as regards the remission of rent, deposits of money in court and the resumption of land and the restoration of possession. For these, the dates were fixed two years in advance of the Act that was extended. With regard to arrears, section 3 (2) (*aa*) of Madras Act XXV of 1955 lays down that a cultivating tenant who at the commencement of that Act is in arrears with respect to the rent payable to the landlord and accrued due subsequent to 31st March 1954 and does not pay such rent within a month after such commencement or who in respect of rent payable to a landlord after such commencement does not pay such rent within a month after such rent becomes due, will not be entitled to protection from eviction. As the date of the commeneement of the Act, so far as Shencottah taluk is concerned, is 2nd March 1960, it is proposed to alter the date 31st March 1954 as 31st March 1959, for Shencottah taluk.

Now that date will not be suitable as this Act was extended to Shencottah taluk only with effect from 2nd March 1960. There the date is proposed to be altered from 31st March 1954 to 31st March 1959. Again with regard to making deposits under section 3 (3) (*a*), a cultivating tenant may deposit in court the rent accrued due subsequent to 31st March 1954. That date cannot be the crucial date since the Act came into force in Shencottah only on 2nd March 1960. So, that date has got to be altered to 31st March 1959. Similarly with regard to the cultivating tenant to be entitled to be restored to possession of any land which he held on 1st December 1953, there are certain restrictive provisions. Suppose he was in possession of land exceeding 6¾ acres there is a provision that right is limited if that person pays any tax, i.e., is attested to sales tax or provision tax. Now that limitation is set aside if he has paid two years before that crucial date. Now that the crucial date has been advanced to 2nd March 1960 we have to put back the period two years before 2nd March 1960. That will be 1957–58 and 1958–59 and not 1953–54 and 1954–55. So, in this way the dates have been sought to be suitably altered.

Also with regard to resumption with respect to the years 1954–55 and 1955–56, is ought to be 1957–58 and 1958–59. All these have arisen as the Act was extended to Shencottah taluk with effect from 2nd March 1960 only. These are the technical alterations that have become necessary on account of the extension of the Act to Shencottah taluk with effect from 2nd March 1960. There is nothing more.

MR. CHAIRMAN : Motion moved—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration."

SRI L. S. KARAYALAR : Mr. Chairman, Sir, this is a belated acknowledgment by the Government of a mistake which they committed earlier in spite of forceful representation from both Mr. Balasubramanya Ayyar and myself at the time of the passing of this Act. Through this Amending Bill, only certain dates are being changed in view of the fact that the Act has been extended to Shencottah taluk very much earlier. The Act is being extended to Shencottah taluk very much later than when it came into force in Madras State itself. Anyway, I am glad the Government have come forward at least now to change the dates. It is only a Dates Bill. In between, they have also inserted another provision by which they say that the rules shall come into force immediately after the publication in the *Fort St. George Gazette*, and not after fourteen days of placing them on the table of both Houses. Anyway, this rather unusual step has become necessary to enforce the Act and rules, so that rules can come into force immediately the Act is passed. Mr. Chairman, it is five years since Shencottah taluk was integrated with Madras City, and we have some parts of Tiruttani added to it. We go on passing Acts; sometimes we adopt the original Travancore-Cochin Act; sometimes we make an amendment to that Act. They make an amendment and call it, 'kerala amendment'. Sometimes the Travancore-Cochin Act is completely repealed. Sometimes it is in force in Shencottah taluk as Madras Government want it. The sheet-anchor of integration is uniform laws throughout the State. We are having some Acts of Travancore-Cochin State for Kanyakumari and some for Shencottah. Why not appoint a high power committee to go into all these things and completely integrate all the laws of the State, be they for Shencottah, for Tiruttani and Kanyakumari, and make Madras State a real Tamil Nad? Thank you, Sir.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, these Acts are applied to these new districts. As Mr. Karayalar said, we pointed out at that time that these particular dates might be changed, and the Act applied accordingly. At the time when the Act was sought to be applied to Kanyakumari and Shencottah, we pointed out that dates might have to be altered suitably. Then' it was mentioned,' We could see later '. Therefore, the difficulty

has arisen. I would request the Government to examine thoroughly all the provisions before extending these Acts and to see if they require modifications. What about Kanyakumari district?

THE HON. SRI M. A. MANICKAVELU : They are of different tenure.

SRI K. BALASUBRAMANYA AYYAR : I again request the Government, before they extend the Act, to examine all provisions and also these tenures and modify the Act suitably and then apply. That will be easier than applying it first and afterwards creating difficulties, or petitioning the Revenue Divisional Officer. All this causes inconvenience. Otherwise, it is alright.

3.40 p.m.

* THE HON. SRI M. A. MANICKAVELU : Sir, I may say that I am also not happy over the situation by which I have to bring in as Amending Bill like this. The matter ought to have been foreseen and rectified then and there. I think it was pointed out in the Council then that the Bill would habe to go back to the Assembly. That was the difficulty. Now it has not only to go back, but it has to emanate there and then come here. The situation is more complicated now. I do not know how it did not catch our imagination then. Anyway it has happened. I request that the Bill be taken into consideration.

MR. CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 3 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 29 OF 1961).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Tenants and Ryots Protection (Amendment) Bill[a], 1961 (L.A. Bill No. 29 of 1961), as passed by the

[a] Printed as Appendix IV on page 335 infra.

[Sri M. A. Manickavelu] [30th August 1961

The Madras Tenants' and Ryots' Protection Act, 1949 (Madras Act XXIV of 1949) was enacted in 1949 with a view to providing for the temporary protection against eviction, among others, of the tenants of private lands in estates governed by the Madras Estates Land Act and against the sale of the holdings of the ryots in such estates and to providing for the stay of suits and other proceedings relating to such eviction and sale pending the taking over of the estates by the Government under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). The Act provided that during its continuance, no tenant of any private land in an estate shall be liable to be evicted by the landholder of the estate in pursuance of a decree or order for eviction and that no holding of a ryot in an estate shall be liable to be sold or brought to sale in pursuance of a decree, order or other proceeding for recovery of rent. It also laid down that all suits, proceedings in execution of decrees or orders and other proceedings for the eviction of such tenants from their lands or in which the sale of the holding of a ryot for recovery of rent was claimed shall stand stayed subject to certain conditions. The Act was enacted originally for a period of two years in the first instance. It has been continued from time to time. The life of the Act now stands extended up to and inclusive of 7th October 1961. The process of taking over estates under the Abolition Act is nearing completion, but there still remain some estates to be taken over. The Abolition Act does not also apply to inam villages which became estates by virtue of the Madras Estates Land (Third Amendment) Act, 1936. The question of undertaking legislation for taking over this class of estates also is under the consideration of the Government. Meanwhile, if the Madras Tenants' and Ryots' Protection Act, 1949, is allowed to expire on 7th October 1961, the proceedings for the sale of holdings, etc., which had been initiated and which had been stayed by that Act will get revived and could be proceeded with and even fresh suits may be launched by landholders in these areas. The Government have, therefore, decided to extend the life of the Tenants' and Ryots' Protection Act, 1949, for a further period of two years. The Bill accordingly provides for the extension of life of the Act up to 7th October 1963.

I commend the motion for the acceptance of the House.

MR. CHAIRMAN: Motion moved—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, Sir, it is five years since the original Act was passed. The Hon. the Minister for Revenue himself said that this was for the temporary protection of tenants in private lands in estates. Most of the estates except a few have been taken over and have become ryotwari lands. But this Act stays the execution of all suits pending at the time and also execution of decrees which have been obtained. How long

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are these to be stayed and kept pending? The Government can bring in a comprehensive legislation saying that there shall be no eviction. That I can understand. But to keep the matter pending for twelve years is not proper. Of course, decrees will not lapse on account of the Act itself. Otherwise, twelve years will be over and the decree will become time-barred. On account of the Act they are kept alive. Therefore, the Government are keeping them alive and at the same time extending the life of the Act. This is an anomalous position. Something ought to be done with regard to 1936 inams. They can be dealt with separately. The Government can introduce a provision that where suits can be decreed, they shall be decreed. Otherwise, for the sake of only one estate, everything will have to be kept pending. Even if there is only one small piece of private land remaining, the matter will have to be kept pending. That is a matter which has got to be seriously taken into consideration. So far as the 1936 inams are concerned, there can be a separate legislation for them. The matter can be kept pending so far as they are concerned. But in the case of other estates, almost the matter is over. If, the Government are going to wait for the sake of one estate remaining, it may take five or six years. Then all suits and decrees will have to be kept pending for a long time. That is a matter to be seriously considered.

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I concede that a provision for stay like this should not be kept for a long time. It should be for a short duration. But the difficulty seems to have arisen in this way. When we contemplated this stay proceeding, we thought that any suit or other legal proceedings would be kept pending for a short duration. But due to the litigant tendency of some people, probably the litigant was dragged not only to the High Court but to the Supreme Court. That is one reason. What I want to urge is this. It has been allowed to continue for a number of years. Now we are at the fag-end of these operations. The Land Ceiling Bill is on the anvil. Discussion is over in the other House. We have now come to a state when all this land reform will be in a way settled. Therefore, I think the House will not mind giving an extension. I have taken care to see that it is not necessary to extend it still further. I have asked for an extension by two years. Formerly, this extension process used to be coming up every year. It was awkward. Now at a stretch I have asked for an extension for two years. I am sure there will be no further necessity for extension. Meanwhile I think everything will be settled. I am told that in some of these cases stay will very soon be vacated and the cases disposed of. Therefore, I plead for the indulgence of the House to pass this Bill.

MR. CHAIRMAN : The question is—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed."

MR. CHAIRMAN : The question is—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1961 (L.A. Bill No. 29 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(3) THE MADRAS CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 30 OF 1961).

3-50 p.m. * THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

"That the Madras Cultivating Tenants' Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

Sir, the Madras Cultivating Tenants' Protection Act, 1955, was last extended to be in force up to and inclusive of 26th September 1961. The object of the Act is to protect the interests of the cultivating tenants in the State pending introduction of comprehensive land reform. As it will take some more time for ceiling to be imposed on land holdings and revision of the tenancy laws suitably, the Government consider that the life of the Act should be extended for a further period of two years from the 27th September 1961. The Bill accordingly provides for the extension of the life of the Act up to and inclusive of the 26th September 1963.

I think I am on better grounds so far as this Bill is concerned. The reason is that in our State we have taken very elaborate steps to see that we make the Bill as foolproof and safe against legal assault as possible. Thanks to the presence of the Supreme Court gentleman and other legal luminaries in the Select Committee, the Bill on land ceiling has been properly shaped. We also made a very elaborate enquiry, taking evidence from many persons and organizations. We have thoroughly gone through the whole thing and whatever legal drawbacks there were, they have all been set right. Therefore, Members may not feel sorry even though we may have taken some time over it. We have made very good

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a Printed as Appendix V on page 336 infra.

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changes and important changes. So, under these circumstances, I hope I may not come in for strong criticisms in respect of this Bill.

MR. CHAIRMAN : Motion moved—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, in regard to the extension of the provision of the Act for two more years, I wish only to bring to the notice of the Government some of the difficulties that have been experienced in the working of the Act. It would have been better if the Government had called for a report from the Revenue Department about the difficulties in the working of the Act and taken action to amend the provisions with a view to setting right the difficulties. It is not easy now to give amendments to the original Act. Therefore it is I have not given notice of any amendments. Anyhow, I would like to point out one or two difficulties experienced in the working of the Act.

The Act came into force on the 27th September 1955 or so. I do not remember the date. At that time, there were pending contracts with the tenants, and the agricultural year began from the end of June. Therefore, the particular terms which obtained at the time the Act came into force were continued according to section 3 of the Act. According to the terms of the lease, the particular kind of crop was rice. But actually what happened was, in many places in Tiruchirappalli, the tenants cultivated sugarcane, plantains, casuarina and betel leaves in those particular lands. And the terms have not been altered because they cannot be altered according to the section in the Act. The terms which were there on the 27th September 1955, shall be continued and whoever is in possession, the tenants should apply the same contract. Of course, if the tenants apply for a fair rent, it could be gone into. Otherwise, nothing can be done. Therefore, difficulty arose when tenants grew these cash crops and got larger income but paid no rent for that increased return. I am not blaming the party for that. When there is an Act, they are entitled to take advantage of it and act accordingly. This is a difficulty which has arisen on account of the working of the Act. Then, as regards lease deeds, they have to be executed in triplicate and if they are not executed, there is no penalty. The landlord can only complain. I am only referring to the difficulties experienced both by the landlords and the tenants. I am not siding with the landlord or the tenants.

Again, the most important thing is the question of sharing the produce as laid down in section 7 of the Fair Rent Act. That section speaks of sharing the produce on the thrashing floor. But if the tenant removes the crop, there is no provision under the rules to recover it from him. If the landlord were to interfere, of

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course, he may get a good thrashing. But that is a different matter. Though the Act speaks of a fixed fair rent to the landlords, especially the small holders and those who are not in the place get no share in the crop. This is the difficulty in regard to sharing of the crop. Of course, there may be a deputation or demonstration before the Chairman or the House and then the Government may take this up for consideration. But, unfortunately, these are very small people living far away from Madras and having 3 or 4 acres of land. It is on behalf of them that I am talking and not on behalf of the rich landlords. Rich landlords do not have much difficulty. These poor people do not get even the 40 per cent that the Government have given. Now the Planning Commission talks of 25 per cent rent. And when the permanent legislation comes, this 25 per cent will be reduced to 15 per cent. I am quite sure of it. Now at least they get on paper 40 per cent according to the Government. Even that they do not get. On the thrashing floor they get thrashing.

These are some of the provisions which have to be looked into and justice done to all parties. I am not in favour of the one or the other. When the Government enact a legislation, they should see whether it is working properly. If there are any difficulties, the Act must be amended. Therefore, I would request the Hon. the Revenue Minister to call for reports from the District Collectors regarding the difficulties in the working of the Act. If there are real difficulties, as the papers befor show there are, Government should take steps to amend the provisions suitably. When enacting a legislation, it is not possible to envisage all possible situations and then enact the law. It is impossible to provide for all future contingencies in the Bill. But whenever occasions like this for extending the life of the Act arise, it is the duty of the Government to look into the difficulties in the working of the Act by calling for reports from the district officers—they are the best authorities to judge as between the landlords and the tenants—and amend the Act suitably. Do justice to both—nothing in favour of the one or the other. I have not given notice of any amendment. But these are the legal difficulties which I wish to point out. The Hon. Minister himself would have readily conceded all this. Something must be done about the division of the yield at the thrashing floor itself. The Act never makes any provision if the yield is to be removed by the tenants from the thrashing floor before the division. Therefore, difficulties have arisen. Whenever there is the need to extend the life of the Acts, I would request the Hon. Minister to look into the matter and get details. He must get information from the Collectors. The Bill must be circulated to the Collectors, and they must be asked to say what are the difficulties experienced in the working of the Act. The courts have given decisions. The tenant is something like a trespasser. What will happen in that case? Is he the man who pays the rent or who takes the mesne profits? All these difficulties have arisen. I do not want to trouble the

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Hon. Minister with all this. But what I am anxious is that some kind of survey ought to be done. Even when the Government want to have a permanent legislation, it is better to have a survey made of all the difficulties experienced and then finally amend the Act so that we shall happily work those Acts. I am not arguing on principles. The principles have been settled, and we have far advanced. Let us work the Act and let us see that all the situations are fully met under the provisions of the Act.

THE HON. SRI M. A. MANICKAVELU : Sir, I heard a different tune in the other House from what I hear now (Sri K. Balasubramanya Ayyar : அது அப்படித்தான் இருக்கும்..) There the villain of the piece is the landholder. It is said, 'He does all sorts of things, causes hardship and commits atrocities.' These charges are heaped on him, and it is said that the Police also back him. That is the story there. Here it is said that instead of getting the grain by thrashing, the persons themselves are getting thrashed. There may be a few cases of that sort. There are bullying landholders also. There are dumb, quiet, lamb-like tenants also. There are also fighting tenants. In the case of the fighting sort of tenants, thrashing may happen. These are all stray cases. The bulk of the people manage and settle their affairs quietly without having any recourse to these Acts. Only when difficulties arise, we have to look into the Act. And, as was pointed out, there are loopholes and drawbacks also in the Act that have to be set right. My purpose is to get the extension till the Land Ceiling Bill is passed. After it is passed, we are contemplating a legislation on tenancy, when all these Acts will go. We have taken time for two years. I do not think this two year period will be necessary. Even before this, all the Tenants Acts have to be repealed. We have to consolidate the Tenancy Act . Already we are getting some information in the matter. We will get more information about the draw-backs in the working of the Act, and that will be useful when we frame the Bill on Tenancy.

MR. CHAIRMAN : The question is—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be passed".

MR. CHAIRMAN : The question is—

" That the Madras Cultivating Tenants Protection (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(4) THE HOLDINGS (STAY OF EXECUTION PROCEEDINGS (MADRAS AMENDMENT BILL, 1961 (L.A. BILL NO. 24 OF 1961).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

" That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill[a], 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

The Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950) provides for the stay of proceedings in execution of a decree in a suit for the recovery of possession of a holding, so far as they relate to the delivery of possession of the holding.

The Act was in force in the Kanyakumari district and Shencottah taluk at the time of their transfer to this State from the former Travancore-Cochin State in 1956. Consequent on the extension to the Shencottah taluk of the Cultivating Tenants Protection and Fair Rent Acts by the Madras Act 28 of 1959, with effect from 2nd March 1960, the Holdings (Stay of Execution Proceedings) Act ceased to be in force in that taluk. It is now in force only in the Kanyakumari district.

The life of the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district is due to expire on the 24th September, 1961. Pending a decision on the policy to be adopted with regard to the land tenure systems prevalent in that district, it has been decided to extend the life of the Act by two years from the 25th September 1961.

The extension is sought for till the time that we have a Bill dealing with the peculiar land tenure systems there. The Travancore-Cochin Act has given this protection, that is, the possession of the holding will not be disturbed. It is not a question of safeguarding the decree or suit. Here the possession should not be disturbed. So, whoever has been in possession should not be disturbed. So, till we finally bring in legislation in this matter, whoever is in possession will not be disturbed. It is only this protection that is given in the Bill. This Bill is brought forward now because some more time will be taken to introduce legislation in the Kanyakumari District.

Sir, I request the House to accept the motion.

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a Printed as Appendix VI on page 336 infra.

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MR. CHAIRMAN : Motion moved—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

SRI K. BALASUBRAMANYA AYYAR : Sir, I have to repeat the same thing that I said against the Tenants Protection (Amendment) Bill. This Bill is still worse, because the Holdings (Stay of Execution Proceedings) Act was passed by that Government. When they wanted to have some sort of protection for their tenants, they passed that law. This Government have taken it on and they are now extending it. Already this Act was extended for 11 years and six months from the commencement of the Act. Now this Government want to extend it for a further period of two years. The stay of the execution of a decree cannot go on endlessly. It has already been in force for 11 years, and the Government want to extend it still further. The Government are happy, but they must understand how the people will be happy. They must decide finally one way or the other about the rights of parties. Here I would have to repeat what Sri P. T. Rajan said. Either get rid of us or retain us. Do not go on prolonging our travail. I may repeat that it is a suit for recovery of possession. The decree has been given for recovery of possession. I am not on the principle of it, because that is all over now. But we must take some action now. So far as the immovable property is concerned, twelve years is the limitation period. On account of this Act, the limitation does not operate and the matter is kept pending. Otherwise, the title to the land will be extinguished after twelve years. The Government have kept it alive on account of the provisions in this Act. Originally it was for a period of eleven years. Now the Government are extending it by another two years. It comes to thirteen years— beyond the period of limitation. Under the Limitation Act, after twelve years the title of the person will become extinguished and the man in possession of the property will claim adverse possession.

THE HON. SRI M. A. MANICKAVELU : Sir, I thought on this Bill I would be on better ground. The hon. Member says that I am on a worse ground, because the Act of 1950 has been extended by 11 years and now it is sought to be extended by another two years. Sir, this relates to an area which is an appendage which we got where the land tenures are somewhat peculiar. It takes a longer time to understand them than our own tenures.

SRI K. BALASUBRAMANYA AYYAR : Is it appendage? We wanted it and we got it.

THE HON. SRI M. A. MANICKAVELU : It is not in the nature of an appendix but an appendage which means that we got something extra. I did not use it in any other sense. The tenures are of different kinds. For example, there are the Pandaravagai,

Maniankaram, Tirupuvaram, and all sorts of peculiar systems of land tenure. It took some time for us to understand them. Not only this. We had to correspond with the Maharaja of Travancore and the Travancore Government. So, it took some time. I am not suggesting a new system of tenure. What I submit is, with regard to this, I am somewhat justified in asking for extension. This is a new tenure with which we are dealing. I hope there won't be any necessity for any further extension. I think this will be the last. Meanwhile, all these legislative reforms will be over.

4-10 p.m.

MR. CHAIRMAN : The question is—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (LA. Bill No. 24 of 1961), as passed by the Assembly, be taken into consideration".

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Holdings (Stay of Execution Procedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be passed".

MR. CHAIRMAN : The question is—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1961 (L.A. Bill No. 24 of 1961), as passed by the Assembly, be passed".

The motion was put and carried and the Bill was passed.

(5) THE MADRAS PAWNBROKERS (AMENDMENT) BILL, 1961 (L.A. BILL NO. 30 OF 1960).

* THE HON. SRI M. A. MANICKAVELU : Sir I move—

"That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be taken into consideration".

Sir, originally the provisions of this Bill were incorporated in the Money Lenders Bill. It was thought desirable to delete them from that Bill and bring forward a separate Bill, modifying the Pawnbrokers Act. Sir, there was a Select Committee on this Bill and hon. Members of this House were also invited.

* Printed as Appendix VII on pages 337-345 infra.

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We had a very detailed discussion and finally the Bill was presented to the Assembly. The changes that were made by the Select Committee were these. We had a different rate of interest in the original Bill, which was nine and three-eighth per cent per annum simple interest in the case of loans of Rs. 25 and below and six and a quarter per cent per annum simple interest in other cases. In the draft Bill before the Assembly it was 12 per cent per annum for Rs. 150 and below and 10½ per cent for sums exceeding Rs. 150. In the Assembly, the amendment was that the rate of interest should be 12 per cent for all cases. Another change made in the Select Committee was the 'Officer' should not necessarily be a 'Police Officer' but the Inspector who should be in charge of these enquiries. Thus the enquiries may be by an Officer other than a Police Officer, though he may be assisted by the Police. With regard to punishment also, there is a change. We have reduced the period of imprisonment from one year to six months and a fine of thousand rupees. The main change is about the rate of interest. In fact, in the other House some wanted higher rates. Others wanted a lesser rate, i.e., 6 per cent, but we must take a practical view of it. The people who go there for loans are those who need money immediately The necessary money could be got only from the pawnbroker. No Bank can give money easily. The pawnbroker getting proper security immediately gives it. That facility is there and I feel it is necessary and the rate must be realistic with the man's business. Now, the Bank rate is rising. Even the State Bank and other Banks are raising it. As a matter of fact, the pawnbrokers sometimes got interest at more than 12 per cent. They may get it but still we cannot put it in the statute-book. So, we have put what we call Dharma Vaddi in the Bill. I move that the Bill, as passed by the Assembly, be taken into consideration.

MR. CHAIRMAN : Motion moved—

"That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be taken into consideration".

* SRI M. SESHACHARIAR : Mr. Chairman, Sir, I was also on the Select Committee, but as long as we were there, we thought that the interest rate would be altered. The interest rate of the Co-operative Society is six and a quarter per cent. A large number of borrowers are between Rs. 150 and Rs. 200. In the case of borrowers of lesser sums there is some meaning in saying that it should be 12 per cent, or so. In cases where the amount is more than that Rs. 250 of Rs. 200 to say twelve per cent would be too high. Here is a case where a jewel loan is given. There is no difficulty in collecting the amount within a year or so. If it goes a little over that period, he can auction it and sell it. That is one advantage they have got. As we see, the Amending Bill is primarily intended to protect the pawnbrokers. As long as the

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Police were inspecting the accounts for various purposes there was amount of fear. Now that fear is gone because we are appointing Inspectors who are to be in charge of other Acts also. Even then for the purpose of seizure and all that, even under the Criminal Procedure Code, the Police could go and enquire. Now they have to obtain a warrant before they seize an account. They have to go to the pawnbrokers only with a warrant and even there the accounts should be returned within twenty-four hours. As a matter of fact, if there is to be investigation, it will take a longer time. In regard to punishment also, it is a lesser punishment, as our Hon. Minister said. In regard to redemption, certain additional clauses are introduced. Where he sends a messenger, when the pawn document is lost, where the pawner is dead, additional claiess have been included. Another improvement we made over the old Act is this. Where the sale is held at the instance of the pawnbroker, and if the pawnbroker himself purchases it, the sale will be valid only if the price is more than the sum due. The auction will be valid only if the auction amount is more than the amount due to him. That would we helpful to some extent to the pawner. As regards the pawner, we know, as a matter of fact, in several cases they execute not only a pledge note but also a promissory note. In some cases, amounts are collected not only towards the pledge note but also on promissory notes. It would have been better if the Police alone have been allowed to handle this. No doubt, there will be some amount of harrassment. But still, it is so difficult. There are respectable pawnbrokers also, but in respect of those who are not respectable, it is better some immediate remedy is given to the pawner himself. That is not possible now. Where there is a breach of rules or contravention of the Act, the Inspector or the Police must apply to the Magistrate and get warrant and then come for inspection. Ordinarily the pawnbroker takes the pledge from pawners, and in certain cases the former repledges it elsewhere. Now, he must retain it in his own place where it is licensed and he must produce it for inspection. If it is not there, he must produce it within a week. Therefore, I am considering the whole thing as primarily intended for the benefit of the pawnbrokers. With this I conclude.

SRI T. P. SRINIVASAVARADAN : Sir, this Bill to amend the Madras Pawnbrokers Act contains certain provisions which are beneficial to the pawners and, in my opinion, it is fair and just to the pawnbrokers. This is on a par with the Chit Funds Act to remove some of the abuses. If we go through the amendments, we find that they are mainly intended to remove some of the abuses which exist now. This business has become a flourishing trade even among the respectable ladies. They take these pledges, and lend money. It is going on even in villages. In the City of Madras I find a number of respectable ladies who have not got any licence to trade carrying on this business.

SRI M. SESHACHARIAR : They are not aware of the Pawnbrokers Act.

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SRI T. P. SRINIVASAVARADAN : And we are afraid of approaching them also.

4–20 p.m.

I agree with the hon. Member Sri Seshachariar so far as the rate of interest is concerned. For small amounts that are borrowed and that are taken on the security of some pledge, certainly the rate of interest should have been lower. It is the poor people that pledge brass or copper vessels. As regards larger amounts, it is the middle class people who want them and they pledge silver vessels. They can afford to pay a little higher rate of interest. But in the case of people who get Rs. 25 and below, the rate of interest, in my humble opinion, should have been lower. The hon. Member Sri Seshachariar said that in the case of co-operative societies, the rate of interest was $6\frac{1}{4}$ per cent. But many co-operative societies charge $9\frac{3}{4}$ per cent, and that has been allowed.

The next point that I should like to bring to the notice of the House is this. The amendment requiring the pawnbroker to keep the pledge in his shop or place of business is quite necessary. He must have it in a place which is easily accessible for inspection. We find that it is not at all produced for weeks together. The fact is that these pawnbrokers pledge it with some others and get money. The amendment is absolutely essential.

About redemption of a pledge, the original Act provides that " a pledge pawned for a sum not exceeding ten rupees if not redeemed within the period of redemption and days of grace, shall at the end of the days of grace become the pawnbroker's absolute property ". It is removed in this Bill. It is a good thing.

As regards sale of pledge and inspection of sale book, the Bill provides that " a pledge pawned shall not be disposed of by the pawnbroker otherwise than by sale at a public auction ". The original Act provides that it shall be disposed of " by sale, by auction and not otherwise ". So, the pawnbroker can sell it. He need not bring it to auction. According to this Bill, he must necessarily bring it to auction. This is certainly an improvement over the original provision. This benefits the pawners to a great extent.

The Bill again provides that " where the highest bid at the sale by auction is the bid of the pawnbroker, the sale shall not take effect unless the bid is for a sum exceeding the sum payable on the pawn inclusive of interest and prescribed charges ". The hon. Member Sri Seshachariar has admitted that this is a welcome provision.

The Bill says that the pawnbroker shall deduct the necessary costs and prescribed charges of the sale. The original Act only says that he shall deduct charges. Now he can deduct only the prescribed charges.

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The Bill says—

"If on such demand it appears that the sale of the pledge has resulted in a surplus but that within twelve months before such sale, the sale of any other pledge or pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus." This is in the original Act and it is retained.

The Bill amends section 13 by saying that "where a pledge is lost by theft or is destroyed or damaged by or in consequence of fire, the pawnbroker shall be liable to pay the value of the pledge, after deducting the amount of the principal and interest". The advantage here is this. The original Act speaks of a pledge being destroyed or damaged by or in consequence of fire. 'Theft' was not included. Many pawnbrokers took advantage of this omission. They said the pledge was stolen. Now 'theft' is also included. It is a welcome provision. The value of the pledge should be given deducting the sums due.

As regards the power to cancel licences, the Bill provides that 'the licensing authority may, at any time, during the term of any licence, cancel it by an order in writing'. I think this is newly added. It is not found in the original Act.

This Bill provides for the auctioneers maintaining certain registers. It is absolutely essential that they should maintain registers.

Coming to the provision relating to 'certain other acts of pawnbrokers to be punishable', I find material changes which are really wholesome. The first is that a pawnbroker who takes an article in pawn from any person appearing to be under the age of 'eighteen' years, or to be of unsound mind is punishable. Originally it was 'fourteen' years. I know in many cases young boys steal some articles and pledge them with the pawnbrokers and get money. Now it is not possible. The pawnbroker cannot hereafter take an article in pawn from a person below the age of eighteen years. Then, the original Act also speaks of a person appearing 'to be intoxicated'. The present Bill speaks of a person of 'unsound mind'. Of course, an intoxicated man is not necessarily of unsound mind. If both the expressions were included, it would be all right. Another provision relates to employing any person under the age of eighteen years to take pledges in pawn. The original Act speaks of 'sixteen' years of age. The change is a welcome feature.

Clause 13 of the Bill seeks to omit section 20 of the original Act. Section 20 says, "Any Police officer may arrest without a warrant any person committing in his view an offence against this Act". The hon. Member Sri Seshachariar stated that this should not have been omitted. In my humble opinion, this omission is very good. A Policeman comes and enters a place and generally creates a scare. If pawnbrokers do some service there

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are also bound to be minor irregularities. Everywhere the policeman should not enter on the plea that he is going to inspect. My humble view is that the omission of this section is a welcome feature.

As I said, this Bill is mainly intended to remove some of the abuses which have been found in the working of this Act. Therefore, I welcome this Bill.

(Deputy Chairman in the Chair.)

Sri M. ETHIRAJALU : உதவித் தலைவரவர்களே, இந்த வட்டிக்கடை சட்ட திருத்த மசோதாவை நான் ஆதரித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். இந்த மசோதாவானது மிகவும் முக்கியமான மசோதாவாகும். ஏனென்றால் இந்த நாட்டில் இருக்கக்கூடிய ஏழைகளுக்கும் அன்றாட வாழ்க்கையைச் சரி வர நடத்திக் கொள்ள முடியாத நிலைமையில் கஷ்டப்பட்டுக்கொண்டிருக்கிறவர்களுக்கும் இந்தக் கடன் வாங்குவது வாழ்க்கையில் அன்றாட வேலையாகத்தான் இருந்து வருகிறது. அவர்கள் மாத்திரம் அல்ல. நமது நாடே கடனில்தான் இருந்து கொண்டிருக்கிறது. ஆகவே, இம்மாதிரியான சட்டம் கடன் கொடுப்பவர்களுக்கும் கடனை வாங்கி அதன் மூலமாகத் தங்கள் காரியங்களை நிறைவேற்றிக் கொள்பவர்களுக்கும் பாதுகாப்பு அளிக்கும் முறையிலே கொண்டுவரப்பட்டிருக்கிறது. நமது நாட்டிலே இருக்கக்கூடியவர்களில் கடன் கொடுத்து வாழ்கிறவர்கள் ஒருசமூகம், கடன் வாங்கிப் பிழைப்பவர்கள் ஒரு சமூகம், இது இரண்டும் இல்லாது நடுத்தரமாக இருப்பவர்கள்தான் அதிகப்பணம் வைத்துக் கொண்டிருப்பவர்கள் என்று நாம் குறிப்பிடுகிறோம். அந்த நிலையிலே இம்மாதிரியான ஒரு சட்டம் கொண்டுவர வேண்டியது மிகமிக முக்கியம் என்பதை அரசாங்கம் கருதித்தான், இப்போது இந்தச் சட்டத்தை உடனடியாகக் கொண்டுவருகிறது. இதிலே ஏற்கெனவே போட்டிருந்தோம். 25 ரூபாய்க்கு உட்பட்டு 12 சதம் என்றும், அதற்கு அதிகமாகப் போவதற்கு 9 சதம் என்றும்தான் வட்டியைக் குறிப்பிட்டிருந்தோம். ஆனால் இப்போது 25 ரூபாய்க்கு மேல் 150 ரூபாய் வரை 12 சதம் என்றும் அதற்குமேல் உள்ளதற்கு 10½ சதம் என்றும் குறிப்பிட்டிருக்கிறது. இப்போது சொன்னவர்கள் எல்லாம் இது கூடக்குறைவானது என்று சொன்னார்கள். ஆனால் நான் இதை அதிகம் என்றுதான் சொல்லுவேன். ஏனென்றால் இந்த வட்டிக்கடைகளில் சென்று தங்களின் பொருளை அடகு வைப்பவர்கள் ஏழைகள் மிகவும் பின்தங்கிய நிலையில் இருப்பவர்கள். அதிகப்பணம், பொருள், சொத்து வைத்துக்கொண்டிருப்பவர்கள் அல்ல. ஏழைகள்தான் இந்த வட்டிக்கடைகளில் பொருளை அடகு வைக்கிறவர்கள் என்ற காரணத்தால், இந்த வட்டி அதிகம் என்று நான் கருதுகிறேன். ஆனால், இதற்கு என்று நிர்ந்தரமான வட்டியை வைத்திருந்தால் நன்றாக இருக்கும். 25 ரூபாய்க்குமேல் வாங்குவதற்கு சராசரியாக 10 சதவீதம் என்று வைத்தால், கொஞ்சம்

4-3 p.m.

நன்ருக இருக்கும். 25 ரூபாயிலிருந்து 150 வரை 12 சதம் அதற்கு மேல் 10½ சதம் என்று இரண்டு விதமாக வைத்திருக்கிறது. 12 சதம் அதிகம். அதை 10 ஆகக் குறைக்க வேண்டுமென்று சொல்லு கிறேன். சராசரியாக வைத்து விட்டால்கூட மிகவும் நன்ருக இருக்கும் என்று நான் சொல்லிக் கொள்ளுகிறேன். ஆனல் எந்த வட்டி விதம் போட்டாலும் கூட இப்போது இருக்கக் கூடிய வட்டிக் கடைக்காரர்கள் சர்க்காரின் சட்டதிட்டப்படி ஒருக்கா லும் நடப்பதே கிடையாது. யாரோ சிலர் வேண்டுமானல் நடக் கலாம். 100-க்கு 90 சதவிகிதம் வட்டிக் கடைக்காரர்கள், அடகு வைத்தவர்கள் தங்கள் பொருளை எவ்வளவு சீக்கிரம் மறந்து விடு வார்கள், இழந்துவிடுவார்கள் என்ற நிலையில்தான் இருக்கிருர் கள். ஆனல் அவர்களுக்குப் பரிந்து கொண்டுதான் நாம் எல்லாம் பேசுகிருேம். வட்டிக்கடைக்காரர்களுக்கு அதிக punishment கூடாது; அவர்களையும் நல்ல பிரஜைகளாகப் பாவிக்க வேண்டும் என்றெல்லாம் பேசப்படுகிறது. நாம் இயற்றுகிற சட்டப்படி எங்கேயாவது நடக்கிருர்களா என்று ஆராய்ந்து இரகசியமாக விசாரணை செய்து பார்த்தால், நிச்சயமாக ஒருக்காலும் வட்டிக் கடைக்காரர்கள் நியாயமாக நடக்கவே இல்லை என்பது நன்ருகப் புலப்படும். எப்படி என்று கேட்டால், ஒருவன் ஒரு சாமானைக் கொண்டுபோய் அடகுவைத்து வாங்கக்கூடிய பணத்திலேயே நீங் கள் போடுவது 12 சதம் என்ருல் அவர்கள் 24 சதம் அப்படியே எடுத்துக் கொண்டு கழித்துக் கொண்டு கணக்குப் பார்த்து அச்சிட்ட தாளுக்குப் பணம், எழுதுகிற மைக்குப் பணம், பேனவுக் குப் பணம், குமாஸ்தாவுக்குப் பணம் இத்தனையையும் கழித்துக் கொண்டு கொடுக்கும் நிலையில்தான் இருக்கிருர்கள். இதை இல்லை என்று யாரும் சொல்ல முடியாது. இது எப்படி இருக்கிறது என்ருல் ரெவின்யூ டிபார்ட்மென்டில் இருக்கிற கணக்குப்பிள்ளை களுக்கும் மணியகாரர்களுக்கும் 18 ரூபாய் சம்பளம். அவர்கள் எப்படி நடக்கிருர்கள், எப்படி இருக்கிருர்கள் என்று மறைமுக மாக இருப்பது போல், சட்டத்தைப் போட்டு விட்டாலும்கூட, அவர்கள் இந்தச் சட்டப்படி நடக்கவே இல்லை என்பதை நாம் நிச்சயமாகச் சொல்ல முடியும். இதைத்தான் நாம் அலசி ஆராய்ந்து பார்க்க வேண்டும். இச்சட்டத்தைப் போட்டு விட் டால் வட்டிக்கடைக்காரர்கள் சரியாக நடந்து விடுவார்கள் என்பது அல்ல. பெரியவர்கள் அவர்களிடம் போவதில்லை. அவர் கள் வீடு, காடு இவைகளை வைத்து லட்ச ரூபாய் வாங்கும் நிலையில் போகிருர்கள். 8 அணு வட்டி என்று எழுதினலும், வாங்கும் போதே 10 வருஷத்துக்குக் கழித்து விடுவார்கள். அப்படிப் போகும் நிலையில் உள்ளவர்களுக்கு மற்றது எல்லாம் தெரிவதில்லை. பின்தங்கிய மக்கள் மிகவும் மோசமான அன்ருட வாழ்க்கையில் வாழுகிருர்கள். அவர்கள் வாங்கப்போகிற வட்டியைத்தான் வாங்கப்போகிருர்கள். எங்கேயாவது ஒரு கேஸ் போட்டால், நன்கு விளங்கும். அப்படிச் செய்வது கிடையாது. ஏழைகள் போய் வாங்குகிருர்கள். எல்லாவற்றுக்கும் பணத்தை எடுத்துக் கொள்ளுகிருர்கள். சட்டம் இப்படி இருக்கிறது. "இந்த நகை

30th August 1961] [Sri M. Ethirajalu]

பத்தாது" என்றால், "ஏதாவது பார்த்துக் கொடுங்கள்" என்கிறான். "இவ்வளவுதான் வட்டி. ஆனால் எழுதுவது சட்டப் படிதான்". இதை யார் கண்டுபிடிப்பது? அரசாங்கம் எந்த வழியில் கண்டுபிடிப்பது? C.I.D. போலீசார் வைத்துக் கண்டுபிடிப்பதா, மாறுவேடம் போட்டுக் கொண்டுபோய் கண்டு பிடிப்பதா? எந்த விதத்தில் கண்டுபிடிப்பது? அவர்களிட மிருந்து எப்படிப் பாதுகாப்பது? எத்தனை சதவிதம் வட்டி போட்டாலும் அதைப்பற்றிக் கவலையில்லை. அவர்கள் செய்கிற தற்குத் தண்டனை 1 வருஷத்திலிருந்து 6 மாதம் என்று சொல்லி விட்டார்கள். 6 மாதம் சிறைத் தண்டனை ரூ. 1,000 அபராதம் என்று இருப்பது ஜனநாயகத்துக்கு விரோதம் அல்லவா? ஜனநாய கத்திலே இப்படிப்பட்ட தண்டனை எல்லாம் இருக்கலாமா என்று பேசப்படுகிறது. ஜனநாயகத்துக்கு விரோதம் என்று சொல்லி இயற்றிய சட்டத்துக்கு விரோதமாக ஏழைகளைக் கசக்கும் வகை யில் அவர்கள் செய்யக்கூடிய காரியத்துக்கு அனுதாபப்படச் சொல்லுகிறீர்களா? இல்லை. எங்கேயும் பார்க்கிறேன். இந்த நிலையிலே நாம் அவர்களுக்குப் பாதுகாப்பு அளிக்கிறோம். பெரும் பணம் படைத்த Money-lenders-ஐப்பற்றிக் கவலையில்லை. பஸ், வீடு முதலியவற்றை அடகு வைத்து வாங்குகிறார்கள். நாம் கொடுக்க வேண்டிய பாதுகாப்பு கீழ்த்தர மக்களுக்கு, ஏழைமக்க ளுக்கு, விவசாயிகளுக்கு ஹரிஜன மக்களுக்குத்தான். அவர் களுக்குத்தான் சட்டம் மிகவும் முக்கியமானது. இருபத்தி ஐந்து ரூபாய் வாங்குகிறேன் என்றால், 2 மாதத்தில் தரு கிறேன் என்றால், 5 ரூபாய் அல்லது 4 ரூபாய் எடுத்துக் கொண்டு 20, 21 ரூபாய்தான் கைக்கு வருகிறது. எப்படியோ இம்மாதிரி நிலை ஏற்பட்டு விடுகிறது. இந்த அரசாங்கம் போடுகிற சட்டப்படி நடக்கிறார்களா என்று பார்ப்பதற்கு இரகசியமாக நாமே அதற்கு உடந்தையாக இருந்து நாமே அந்தச் செயலில் ஈடுபட்டு இறங்கிச் செய்தாலொழிய, இந்தச் சட்டத் தைச் சரியானபடி அமுல் நடத்த முடியாது என்பதை அரசாங் கத்தின் கவனத்துக்குக் கொண்டுவர விரும்புகிறேன்.

இரண்டாவதாக, இப்போது அவர்களுக்கு சட்டத்தில் Clause 12-ல் 6 மாதம் சிறை தண்டனை, 1,000 ரூபாய் அபராதம் என்று இருக்கிறது. சிலர் கேட்கிறார்கள். இது ஜனநாயகத்துக்கு உகந்ததுதானா என்று. அபராதம் எவ்வளவு வேண்டுமானாலும் கட்டலாம். சிறை என்றால் அதிலேதான் இருக்கிறது. ஒரு மனிதன் நியாயம், நேர்மையில் தவறினால் ஜெயிலுக்குத்தான் போக வேண்டும் என்று எழுதி வைத்திருக்கிறோம் சட்டத்தில். அபராதம் போட்டால் எவ்வளவு வேண்டுமானாலும் கட்டு வார்கள். குடித்தவர்களுக்கு அபராதம் போடுவது காரணமாக அடிக்கடி குடித்துக்கொண்டே இருக்கிறார்கள். அபராத தண்டனையை எடுத்துவிட்டு 3 மாதம் சிறை தண்டனை என்றால், நிச்சயமாகக் குடிக்க மாட்டான். அதைப்போல் இதில் நிச்சய மாகச் சிறை தண்டனை இருக்க வேண்டும். அபராதத்தை வேண்டுமானாலும் எடுத்து விடலாம் என்று நான் சொல்லிக்

கொள்ளுவேன். சட்டத்திற்கு விரோதமான காரியத்தை ஏன் செய்யவேண்டும்? தமிழிலே கணக்கு வைக்க வேண்டாமா? வெளிநாடுகளிலிருந்து மராட்டியர்கள், குஜராத்தியர்கள் வந்துகொண்டிருக்கிறார்கள். அவர்கள் எப்படி கணக்கு வைப்பார்கள் என்றெல்லாம் சொல்லப்படுகிறது. வட்டிக் கடை வைத்து நம் ராஜ்யத்தின் நிலையை உயர்த்தவேண்டுமென்பதைவிட தமிழ்நாட்டுக்குச் சென்றால், தங்கள் நிலை உயருமென்பதைவிட, அங்கு ஏழைகள் இருக்கிறார்கள் என்று வருகிறார்கள். ஏன் அவர்கள் தமிழில் கணக்கு வைக்கக்கூடாது? சட்டம் தமிழ் மக்களுக்காகத்தான். மராத்தியர்களுக்கும் குஜராத்தியர்களுக்கும் அல்ல. தமிழில் கணக்கு வைக்கவேண்டுமென்று இங்கிருப்பவர்களுக்குச் சொல்லும்போது, குஜராத்தியர்கள் மராட்டியர்கள் மட்டும் தமிழில் வைக்க வேண்டியதில்லை என்று சொல்வது ஒப்புக் கொள்ள முடியாத காரியம். தமிழிலே கணக்கு வைத்தாகத்தான் வேண்டும். அங்கிருந்து இங்கு வந்தவர்கள் உயர்ந்த நிலையில் தான் செல்கிறார்கள். ஆகையால் அவர்கள் தமிழிலே கணக்கு வைத்துக்கொள்வது நியாயமானது என்று சொல்வதைத் தவிர வேறு ஒன்றுமில்லை.

குற்றம் செய்தால் உடனே சப்-இன்ஸ்பெக்டர் அவர்கள் சென்று எந்த நேரத்தில் வேண்டுமென்றாலும், அவர்களைக் கைது செய்யலாம், சந்தேகப்பட்டால் பரிசீலனை செய்யலாம், தப்பாக இருந்தால் கைதுசெய்துகொண்டு போகலாம் என்று இருக்கிறது. அதை வேண்டுமானால் கொஞ்சம் மாற்றம் செய்து அதைத் தளர்த்தினால் நன்றாக இருக்கும். "Throughout the day at any time" என்றும், இரவு நேரம் அல்லது தூங்கும் நேரத்தில் கூட போகலாம் என்றும், எந்த நேரத்தில் போய்க் கணக்குகளைப் பரிசீலனை செய்யவும் தவறாக இருந்தால் அரெஸ்ட் செய்யவும் இருப்பதை நீக்கி அவர்கள் நடத்தும் ஆபீஸ் நேரத்தில், கடை நடக்கிற நேரத்தில் என்று நாம் குறிப்பிட்டிருந்தால், அது போதுமானதாக இருக்குமென்று நான் தெரிவித்துக்கொள்ளுகிறேன். போலீசார் இந்தக் கணக்குகளைப் பார்த்துவிட்டு 24 மணி நேரத்திற்குப் பிறகு திரும்பக் கொடுக்கலாம் அல்லது மாஜிஸ்ட்ரேட் இடம் ஒப்புவிக்கவேண்டுமென்று இருப்பது இல்லாமல், இப்போது மற்ற கமர்ஷியல் டாக்ஸ் ஆபீஸ் போன்ற உத்தியோகஸ்தர்கள் கணக்குப் பார்த்துவிட்டு திரும்பக் கொடுப்பதுபோல் ஒரு சட்டம் இருந்தால், நன்றாக இருக்குமென்று தெரிவித்துக் கொள்ளுகிறேன். ஏழைகளுக்குப் பாதுகாப்பு கொடுக்கும் விதத்தில் செய்திருப்பதாகக் கூறுகிறார்கள். ஆனால் வட்டிக் கடைக்காரர்கள் எப்படி எழுதுகிறார்கள், எப்படி அதிக வட்டி வாங்குகிறார்கள், எழுதி வாங்கிய பணத்தை எப்படிக் கழித்துக்கொண்டு விடுகிறார்கள் என்பதையெல்லாம் பார்க்கவேண்டும். அவையெல்லாம் நியாயமானவைகளாக இருக்கவே முடியாது. அதற்காக வட்டிக்கடையையே எடுத்துவிடவேண்டுமென்று சொல்லவில்லை. அப்படி எடுத்துவிடுவதால் அவர்கள் வேறு வழியின்றி அழிந்துவிடுவார்கள் என்றும் சொல்ல முடியாது. அவர்களிடம் நகைகளை வைத்து இழப்பவர்கள்

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அனேகம் பேர். வட்டி கட்ட முடியாமல் நகைகள் முழுகிவிடு கின்றன. இதையெல்லாம் அரசாங்கம் கவனத்தில் வைத்துக் கொண்டு அமல் நடத்தப்போகிறதா என்பதைச் சிந்திக்கவேண்டும். இவைகளையெல்லாம் ரகசியமாகவாவது பார்த்து தெரிந்து அதன் படி நிறைவேற்ற வேண்டுமென்று கேட்டுக்கொண்டு இந்த மசோ தாவை வரவேற்கிறேன்.

(Mr. Chairman in the Chair.)

* **Sri A. GAJAPATHY NAYAGAR**: மன்றத் தலைவர் அவர் களே, நகை அடகுவைத்து பணம் வாங்கி வட்டி கட்டியவர்கள் ஒருக்காலும் முன்னேறியதாகத் தெரியவில்லை. ஆனால் 30 வருஷ மாக சென்னையில் நடக்கிற இந்தத் தொழிலை பார்க்கும்போது கொஞ்சம் பணம் வைத்துக்கொண்டு வந்து வட்டிக்கடை வைத்த வர்கள் இன்று லட்சாதிபதியாக இருக்கிறார்கள். ராயபுரத்தில் நான் பார்த்திருக்கிறேன். ஒரு சிறிய வட்டிக் கடையை வைத்தான். இப்போது அவன் லட்சாதிபதியாக இருக்கிறான். எப்படி இவ்வளவு பணம் வந்தது என்று பார்க்கும்போது, வட நாட்டிலே உள்ள செல்வந்தர்கள் குறைந்த வட்டிக்கு 1%-க்கு இவர்களுக்குப் பணம் கொடுக்கிறார்கள். அதைக் கொண்டுவந்து தமிழ்நாட்டிலே 24, 36% என்று வட்டிக்குக் கொடுக்கிறார்கள். இந்தக் காரணத்தால் என்ன ஆகிறது? ஏழைகளுக்கு எல்லாம் மிகவும் கஷ்டமாகிறது. வட நாட்டில் உள்ளவர்கள் நல்ல எண்ணத் தில் கொடுக்கிறார்கள். வியாபாரம் செய்கிறவர்கள் அதைக் கொண்டுவந்து கெட்ட எண்ணத்தோடு பயன்படுத்திக்கொள்கிறார் கள். இப்போது ஆக்ட் செய்வது ஒரு விதத்தில் நன்றாக இருக் கிறது. எப்படி? வட்டி 12% என்று போட்டிருக்கிறது. இரண்டாவதாக ஒரு ஆண்டிலேயே இந்த ஈட்டை மீட்கவேண்டு மென்று சொல்லியிருக்கிறது. நூறு ரூபாய்க்கு ஒரு நகையை அடகுவைத்தால் 100 ரூபாய் ஒரே ஆண்டுக்குள் 112 ரூ. ஆகும். அதற்குமேலிருந்தால் வட்டி இன்னும் அதிகமாகும். ஆனால் ரேட் போடவில்லை. ஒருவன் கொடுக்கும் ஒரு பொருளுக்கு ஏற்றபடி கொடுக்கும்படி இந்த ஆக்டில் இல்லை. சில இடங்களில் நகையை வைப்பவனிடம் வட்டி வாங்கிக்கொள்வதோடு, கூடவே ஒரு புரோ நோட்டும் எழுதி வாங்குவான். நகையும் இருக்கும், புரோ நோட்டும் இருக்கும். அதை வைத்து கோர்ட்டில் தாவா போடு வான். டிக்ரீ வாங்கி வசூலிப்பான். வட்டியே 100-க்கு 50 இருக் கும். அவனால் கட்ட முடியாமல் ஊரைவிட்டே ஓடிவிடுவான். 100 ரூ. நகையை ரூ. 80-க்கு வைத்து ரூ. 100-க்கு டிக்ரீ ஆகி ஊரை விட்டே ஓடுவதை நான் பார்த்திருக்கிறேன். அதிகமாக எடுத்தால் அவன் கொடுக்கவேண்டுமென்று கொஞ்சம் பாதுகாப்பு கொடுத் திருக்கிறார்கள். அதை வரவேற்கிறேன்.

அடுத்தபடியாக, பணம் கொடுக்கும்போது, நமக்குப் புரியாத குஜராத்தி, மராட்டிய பாஷைகளிலே எழுதிவைத்துக்கொண்டு கடைசியில் கோர்ட்டில் தாவாவரும்போதுதான் நமக்குத்

தெரியும்படி இருக்கிறது. அதை ட்ரான்ஸ்லேட் செய்வதும் சுலபமல்ல. இப்போது ஆங்கிலம் இருக்கிறது. அதில் 'லொகாலிடி' என்று போட்டிருக்கிறார்கள். ஒன்றும் புரியவில்லை. குஜராத்தியர்கள் சௌகார்பேட்டையில் இருக்கிறார்கள். குஜராத்தியில் எழுதுகிறார்கள். 'லொகாலிடி' என்றால் என்ன பொருள்? தமிழ் நாட்டில் தமிழ் ஆட்சி மொழியாக இருக்கிறது. ஏன் அதில் போட வேண்டுமென்று சொல்லக்கூடாது? ஆங்கிலத்திலும் தமிழிலும் இருக்கவேண்டுமென்றிருந்தால் நல்லது. தமிழ்நாட்டில் வந்து பிழைக்கிறவர்கள் இந்த நாட்டு மொழியில்தான் கணக்கு வைக்கவேண்டும். அதுதான் நியாயம், சாத்தியம்.

போலீஸ் அதிகாரிகள் போனால் கஷ்டமாக இருக்கிறது என்று சொல்வார்கள். முன்போல போலீஸ் அதிகாரிகளைப்பற்றிக் கேவலமாக நினைக்கக்கூடாது. தமிழகத்துப் போலீஸ்காரர்கள் எல்லாம் நம் மக்கள்தான். இப்போது நியாயமாக நடக்கிறார்கள். எல்லாவிதத்திலும் மேம்பாடு அடைந்திருக்கிறார்கள். கூட ரெவின்யூ அதிகாரி போவதால் நன்றாக இருக்கும். போலீஸ்காரர்கள் மிரட்டுகிறார்கள் என்பது எல்லாம் காலம் கடந்த பேச்சு. ஏதாவது ஒரு விதத்திலாவது இந்த அடகு வாங்குகிறவர்கள் திருந்தினால், அப்போது இந்த ஆக்ட்டுக்கு கொஞ்சம் மதிப்பு வந்ததாகக் கருதுகிறேன். இத்துடன் நான் முடித்துக் கொள்கிறேன்.

*Sri A. K. THANGAVEL MUDALIAR: தலைவரவர்களே, இந்தச் சட்டம் அடகு வைத்து வாங்குவது பற்றிய சட்டம். அடகு வைப்பவர்களுக்கும் அடகு வைத்துக்கொள்பவர்களுக்கும் பாதுகாப்பு கொடுக்கக் கூடிய சட்டம். இந்தச் சட்டத்தினால் பெரும்பாலும் அடகு வைக்கிறவர்களுக்குச் சரியான பாதுகாப்பு இல்லை. இதிலே சில குறைபாடுகள் இருக்கின்றன. ஒரு சொத்தைக் கொண்டு போய் அடகு வைத்து விட்டால் அந்தச் சொத்து அந்த இடத்திலே இருக்கிறதா? இல்லை. இன்னொருவனிடம் கொண்டுபோய் வைத்து விடுகிறார்கள். எப்படி வைக்கிறான் என்றால், double key இவன் கொண்டு போய்த் தனியாக ஒரு பெட்டியில் வைக்கிறான். Account ஐயும் அவனிடம் கொடுத்து விடுகிறான். ஆயிரம் ரூபாய்க்கு சொத்தை அந்தப் பெட்டியில் custody-ல் வைக்கிறான். அந்த account-ம் அதிலேதான் இருக்கிறது. Third party வைத்திருக்கிறானே அவனும் ஒரு மார்வாடிதான். எனக்கு முன்பு பேசிய கனம் அங்கத்தினர் வடநாட்டான் சுரண்டுவது என்று சொன்னார். வடநாடு தென்னாடு என்று எல்லாம் பேசுகிறாரே, எல்லோரும்தான் வட்டி வியாபாரம் பண்ணுகிறார்கள் என்று பார்த்தேன். எனக்கும் தைரியம் வந்துவிட்டது மார்வாடி என்று தாராளமாகப் பேச. அந்த party ஒரு பெட்டியில் வைக்கிறான். அதிலே கொண்டுபோய் நகையை வைத்துவிடுகிறான். Account-ம் அதிலேதான் இருக்கிறது. அதன்பேரில் அவன் 1,000 ரூபாய் கொடுக்கிறான். அதைக் கொண்டுவந்து வியாபாரம் பண்ணுகிறான். இன்னொரு பார்டியைப்

4-50 p.m.

பிடிக்கிறான். ஐந்து, ஆறு இடத்தில்கூட இந்தமாதிரி வைக்கிறான். ஆயிரம் ரூபாய் முதல் வைத்து 5, 6 ஆயிரம் ரூபாய்க்குப் பண்ணுகிறான். பாங்கிலே ஒரு நூல் பேலைவைத்து கடன் வாங்கி மேலும் மேலும் வாங்கி முடக்கி மார்கெட்டில் விலையை அதிகமாக்கி நெசவாளர்களுக்குத் தொந்தரவு கொடுக்கிறது எப்படி? ஒரு பேல் முதல் இருந்தால், 5 பேல் வாங்கி இருப்பு வைக்கும் சக்தி எப்படியோ அது இந்த வியாபாரத்துக்கும் வந்து விட்டது. அப்புறம் என்ன ஆவது? வைத்திருந்தவன் திவாலாய் போய்விட்டான். அவனும் கிளம்பி விடுவான். எல்லோரும் கிளம்பி விடுவார்கள். வைத்தவர்கள் வாயைப் பிளந்து கொண்டு போக வேண்டியதுதான். ஆகையினால்தான் licence கொடுக்கிறபோது, எந்தெந்த இடத்தில் வைக்கிறானோ அந்தந்த இடத்துக்கும் licence வாங்க வேண்டும். அந்த party safe ஆக இருக்கிறானா என்று பார்த்துக்கொள்ளலாம். ஏழுநாள் பொறுத்துதான் கொடுப்பேன் என்கிறான். ஏழுநாளில் கையிலே பணம் இல்லாமல் போனால் சரிபண்ணி வாங்கிக் கொடுக்கிறதுக்கு அவகாசம் கொடுத்தாகிறது. எங்கே எங்கே லைசென்ஸ் இருக்கிறது என்றால் தெரியும். 7 பார்டி இருந்தால் அந்த 7 பேரும் நல்லவன்தானா என்று தெரிந்துகொள்வான். அடகு வைத்தவன் இப்போது எங்கே வைத்திருக்கிறான் என்றே தெரிந்து கொள்ள முடியவில்லை. எந்தெந்த இடத்தில் வைத்து சொத்து கை மாறுகிறதோ அந்த இடத்துக் கெல்லாம் லைசென்ஸ் கொடுக்க வேண்டும். இந்தப்படி லைசென்ஸ் கொடுக்கிறதால் தகராறு ஏற்படுகிறது. ஆகையினாலேதான், சொத்து கை மாறுகிற இடத்துக்கும் லைசென்ஸ் கொடுத்து சொத்தைப் பாதுகாக்க வழி பண்ண வேண்டும்.

வட்டி விஷயத்தைப்பற்றி எல்லோரும் பேசினார்கள். எல்லோருக்கும் சமமான வட்டி என்று பேசினார்கள்.

MR. CHAIRMAN : I want to bring to the notice of the House the behaviour of one particular hon. Member. When any hon. Member comes into the House or goes out of the House, it is very imperative and very necessary—even the juniormost hon. Member should know this—to pay obeisance to the Chair. The hon. Member Sri Raza Khan has not been doing this on several occasions. If it happens again, I will have to take serious notice of it.

SRI MOHAMED RAZA KHAN : I have not done it deliberately, Sir. I am sorry if the Chair takes objection to it.

* SRI A. K. THANGAVEL MUDALIAR : அடுத்தபடியாக, இந்த வட்டியைப்பற்றிப் பேசிவிட்டார்கள். இந்தக்கடன் கொடுக்கிறதில் கம்மி, ஜாஸ்தி வட்டி என்று எல்லாம் பேசினார்கள். கம்மி வாங்குகிறவன் யார், அதிகம் வாங்குகிறவன் யார் என்று தெரியவில்லை. ஏழைதான் வாங்குவான். வெள்ளி நகையை வைத்து வாங்குவான். யார்கிட்டே யார் எப்படி வட்டி வாங்கணும் என்று தெரிந்துகொள்ளவேண்டும். இது அதிகம்தான். 25 ரூபாய்க்கு இன்னும்கூட குறைக்கலாம். வாங்குகிறவன் எல்லாம்

[Sri A. K. Thangavel Mudaliar] [30th August 1961

ஏழை. பணக்காரனிடம் அதிகம் வாங்கலாம். ஆளைப்பார்க்கவில்லையே தவிர பணத்தைத்தான் பார்க்கிறோம். ஒரேமாதிரியாகக் கொண்டு வந்து விட்டார்கள் ஒரே வட்டியாக. சந்தோஷம் தான். மாறுதல் இந்தமாதிரி இருக்கிறது. Amendment கொண்டு வந்திருக்கிறேன். அதையும் கவனிக்கவேண்டும்.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the Pawnbrokers Bill has to be viewed from many standpoints. We cannot argue that a person who borrows must be benefited or that we should not care about the other persons who lend. We cannot allow a person who takes a loan to take advantage of the provisions of the Act nor can we allow the lender to reduce the borrowers to utter destitution or ruin. The two sides of the matter should be kept in view in considering this measure. The Pawnbrokers have come to this part of the country because we needed their services evidently and we are not able to provide credit facilities to the people through the co-operative and other organisations. Therefore, these other institutions are there, the banks, the pawnbrokers, etc. They have all come in because people require their help. Otherwise, they cannot ply their trade here at all. They are products of the society and, therefore, we cannot blame them. We approach them because there are no other means of getting credit immediately we want it. That aspect has to be borne in mind when we criticise the various provisions of the Bill.

One point mentioned by the hon. Member Sri Thangavel Mudaliar is very important. It is that a moneylender who holds the property uses that very property, pledges it in another place and gets money for himself from that place. I think this was mentioned in the Select Committee. But there is no provision in the Amending Bill regarding that point. If there is no provision regarding this, they will begin to trade in the very property given as security and get more and more money. That is a thing which should not be allowed. There is great risk in allowing this to go on. (Interruption.) There is no use of saying that it is implied in the existing provisions. There should be a specific provision. This, I think, could be done under the rules. I do not say that the statute itself must declare it. The rules should specifically state that a person who is a licensee must always keep the property and it must be open to inspection at any time. Generally it must be like that, unless he makes out that he could not do so for reasons of security, and all that. If the property is deposited in a safe vault, there may be justification. Apart from that, if the licensee uses the property, that should be prevented at least under the rules framed by the Government.

Then, so far as the provision relating to responsibility in cases of theft is concerned, that is a matter which has got to be looked into. The original provision in the Act says :

'Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable . . . to pay the value of the pledge, after deducting the amount of the principal and interest.'

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Sub-section (2) of this section stated that the pawnbroker shall be entitled to insure to the extent of the value so estimated. Now 'loss by theft' has been included. For theft there can be no insurance. If there is housebreaking and theft and the property is taken away by the robber, what can the pawnbroker do in such a case? It is beyond his comprehension. When there is loss by fire, it can be covered by insurance. That is why they put in the sub-section there relating to insurance. But they have now added loss by theft also in this section and they have also retained the provision relating to insurance. If there is insurance for theft, then they can retain the sub-section. Otherwise, it would mean insurance for theft also (Interruption). What can the pawnbroker do in cases of theft? In the case of fire, there is provision for insurance and, therefore, the pawnbroker is made to pay. But in cases of theft he is not responsible. In cases where he has been negligent, that is a different matter. If the loss by theft is not on account of negligence, what are the Government going to do? This particular question was also discussed in the Select Committee and subsequently I was absent for two or three meetings. I do not know what happened.

These are two important points that have to be looked into, namely, the question of licence and the other about theft.

5-00 p.m.

* **Sri S. K. SAMBANDHAN :** கனம் தலைவரவர்களே, இந்த வட்டிக்கடைச் சட்டத்திருத்த மசோதாவை ஆதரித்து ஒன்றிரண்டு வார்த்தைகள் சொல்லிக் கொள்ள விரும்புகிறேன். நடைமுறைக்குத் தகுந்த முறையில் நடைமுறை கிரமங்களைத் தவிர்ப்பதற்காக இந்த மசோதாவைக் கொண்டு வந்ததற்கு இந்த அரசாங்கத்தைப் பாராட்டுகிறேன். முக்கியமாக ஒரு சட்டத்தைக் கொண்டு வந்தோமானால், அது நடைமுறையிலே எந்த முறையில் அமுலாக்கப்படுகிறது, அதில் எந்த விதமான கஷ்டம் இருக்கிறது என்பதை உணர்ந்து செய்தால், கூடுமானவரையில் அதில் தவறு இருக்காது. ஆனால் சில அங்கத்தினர்கள் சொல்லியது போல் எந்த விதமான சட்டமாக இருந்தாலும், அதற்குள்ளும் நுழைந்து போவது என்பது சர்வசாதாரணமாக இருக்கிறது. இந்தச் சட்டத்தில் மட்டுமல்ல. அதனால் 12 விதம் என்று வட்டியை உயர்த்தினால், சாதாரணமாக நாட்டிலே உள்ள நிலையை உணர்ந்து, நடக்கிற நிலைமையை உணர்ந்து, அந்தத் திருத்தம் கொண்டு வந்ததாகத்தான் நான் கருதுகிறேன். அதையும் வரவேற்கிறேன். இப்போது கூட்டுறவு சங்கங்களிலும் மற்ற பாங்குகளிலேயும் சுலபமான வட்டிக்குத்தான் கடன் கொடுக்கிறார்கள். இருந்தும் Pawnbrokers இடம் மக்கள் சென்று பொருளை அடகுவைத்துப் பணம் வாங்குவதற்கான அவசியம் ஏன் ஏற்படுகிறது என்பதையும் உணர வேண்டும். எல்லோருக்கும் அவர்கள் தாராளமாகக் கடன் கொடுக்கிறார்கள். அதனால் வட்டியையும் கூடுதலாக வாங்குகிறார்கள். வட்டி அதிகமாக வாங்கக் கூடாது என்றுதான் சட்டம் கொண்டு வந்திருக்கிறோம் என்று சொல்லிக்கொள்ள ஆசைப்படுகிறேன். உதாரணமாக, ஒரு பவுன் பெறக்கூடிய நகையை ஒரு **Pawnbroker** இடம் கொண்டு போனால், ஆளைப்பொறுத்து

100 ரூபாய் கூட வாங்கிக் கொள்ளலாம். 90 ரூபாய், சில சமயங்களில் 85 ரூபாயும் கொடுக்கிறார்கள். அதே நகையை ஒரு கோவாபரேடிவ் பாங்கிலோ அல்லது வேறு பாங்கிலோ கொண்டு போனால், 60 ரூபாய் அல்லது 50 ரூபாய்தான் கொடுப்பார்கள். அதுதான் பாங்குக்கும் சாதாரண வட்டித் தொழில் செய்கிறவர்களுக்கும் வித்தியாசம். பணத்தின் அவசியத்தினாலும் அவசரத்தினாலும் தான் அவ்வாறு போகிறார்கள் என்பது எல்லோருக்கும் தெரியும். அவசரத்துக்கும் அவசியத்துக்கும் உதவுவதால், ஒன்றிரண்டு அல்லது ஐந்து பெர்சன்ட் கூடுதலாக வட்டி வாங்குவதால் அதிகம் நஷ்டமாகி விடாது. நண்பர் திரு. சேஷாச்சாரி அவர்கள் சொல்லுவது போல், 12 பெர்சென்ட் என்று இருப்பது Pawnbrok r-க்கு அதிகம் சாதகம் செய்வது போல் ஆகாது. நண்பர் திரு. எதிராஜுலு அவர்கள் சொல்லியது போல 12 பெர்சென்டைவிட கூடுதலாகத்தான் எடுப்பார்கள். 12 பெர்சென்டோடு விடப்போவதில்லை. அது மிகவும் கஷ்டம்தான். அந்த நிலைமையை உணர்ந்து கொண்டுதான் இந்தச் சட்டத்தை நான் ஆதரிக்கிறேன். மற்றும் இந்த அடகு வைக்கும் பொருள்களைத் திருடு போனால் அதற்குப் பரிகாரம் ஒன்றுதான் செய்யலாம். Insurance-ஐக் கட்டாயமாக ஆக்க வேண்டியது. நகைகள் வைத்திருக்கிற இடத்தை கட்டாயமாக Insurance செய்ய வேண்டும். நெருப்புக்கும் திருட்டுக்கும் சேர்த்து Insurance செய்யப்பட வேண்டும் என்று லைசென்ஸ் கொடுக்கும் போதே ஒரு விதியை உண்டு பண்ணி, Insurance பண்ணினால்தான் லைசென்ஸ் வைத்துக் கொள்ள முடியும் என்று கொண்டு வந்தால், எல்லோருக்கும் நல்லதாக இருக்கும் என்று கனம் அமைச்சர் அவர்களுக்குத் தெரிவித்துக்கொள்ள ஆசைப்படுகிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Sir, the demand for it is great. But if we want to avoid the irregularities and difficulties for the man who seeks credit, the only agency that can provide it without much difficulty is either the Government agency or the co-operative agency. But I do not think that through these two agencies we can arrange any credit to the extent it is in demand. Therefore, we have to depend on other agencies like private persons to cater to the needs of the people. It is said that people from the North come and make money by lending. Whoever prevented the gentlemen of the locality to organise this pawn-broking and do the business? Nobody prevented. But when they have not done it, and if other people come and supply the need, we should not blame them. I am not pleading for those who are going against all the provisions of the Act and adopt all questionable methods. It is not every one of them that does it. Some may do it. That should not be the reason for generalising all the people who are engaged in the profession. I know many pawnbrokers who do business on correct lines. It is only the small pawnbrokers whom we find in villages and other places that are sometimes not up to the mark. But the majority of the people who carry on business do it on correct lines. They advance very large amounts. I know cases where

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sums to the extent of Rs. 20,000 and Rs. 40,000 are advanced on pawns. Very costly jewels are pawned. They behave just like some of the banks very correctly. The rate of interest only may be high. But still they have regular accounts. They deal with the people quite decently. There is no trouble.

I must say that it is very rarely that we hear Members of the House welcoming the changes. All the clauses are considered welcome. This shows that this Bill was gone through thoroughly and proper provisions have been made. For this all the credit goes to the Members of the Select Committee and other invitees who took part in framing the provisions.

In regard to the rate of interest, in the 1943 Act, the rate was 9-3/8 per cent for Rs. 25 and less. It is a long period between 1943 and 1961. So many things have happened, and the rate of interest has gone up. Judging from this, twelve per cent interest is not high. But what was pointed out was, ' Why should there be a difference or a slab in the rate of interest on the lower amounts and bigger amounts? ' As reported by the Select Committee, the provision was 12 per cent on Rs. 150 and less, and 10½ per cent on sums above Rs. 150. But it was pointed out that 10½ per cent brings in fractions and there would be difficulty in keeping accounts, and, therefore, they should make the rate of interest a uniform one. It was also said that this would be intelligible to the people. Ten and a half per cent brings in fractions, but 12 per cent means one naya paisa per rupee per month. Anybody can understand this easily. Therefore, this uniform rate was fixed. As regards the allegation that even though this rate is fixed, still people will find devices to deduct a higher rate of interest in advance, etc., I may say that such things may take place, as long as human mind works in the way in which it does to get over the provisions of the Bill. The safeguard is this. By lowering the rate of interest, we should not further provoke them to adopt these unlawful and illegal methods. We will have to be somewhat realistic. The bank rate is going up. It may be that we could have fixed a higher rate also. But to put the rate of interest at 15 per cent in the statute itself would look very funny and awkward. Even though in some cases they may adopt unlawful methods and manipulate and circumvent the provisions, still we cannot put the rate of interest at 15 per cent in the statute. Twelve per cent is a fair rate, and this is acceptable to all, I think.

As regards prevention of theft and insurance, whatever can be done by way of making rules, will be looked into. This can be done. As regards storage, and a specific time to be fixed for checking up the things, it is only in cases of emergency, where immediate action has to be taken, that a person can go and check up the things. No man will ordinarily go and check up the shop at 12 o'clock (midnight). This man himself will require sleep. So, he would not be putting himself to the difficulty of losing his sleep. If the real necessity arises, for example, if stolen articles are stored,

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and if anybody has got a suspicion that they are stolen articles, he cannot give notice saying, ' I am going to find out whether these are stolen articles '. The concerned person will then get alerted. In cases where immediate action is necessary, we cannot prescribe any particular time in which only the person can go and inspect. But I may say that ordinarily no man will go during out of business hours and check these shops.

As regards punishment, it was said that imprisonment should not be there. Sir, the provision is imprisonment or fine. It is not imprisonment and fine. There is a large latitude given to the magistrate to use his discretion and mete out the proper punishment. Ordinarily, we see that for the first offence they do not give higher punishment. We know in some cases they have warned. In some cases they have merely fined. Only if the offence is continued, in the case of second and third offences, the punishment is heavy. There must be at least in the statute book the provision for giving ' imprisonment '. Even though it is a deterrent sentence, it will work as a wholesome provision. But ordinarily the maximum punishment will not be thought of at all. About licence, Sir, it is said that if he takes to another place, there also he must have a licence and all that. At this stage it may not be necessary, though it may be a wholesome provision. With this Bill, let us see how it works. I could also say, on the whole the pawnbrokers have been very much alerted. They have turned over a new leaf. They do not want to do all unwholesome things. They are becoming quite respectable. When they are becoming respectable, why should we have recourse to very harsh steps? Therefore, we want to be as lenient as possible to begin with. On the whole, Sir, after the passing of the Act, I think it will work properly and there would not be much hardship caused to these illiterate unweary pawners.

5-10 p.m.

MR. CHAIRMAN : The question is—

" That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be taken into consideration ".

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 7 were put and carried.

Clause 8.

MR. CHAIRMAN : The motion is—

' That Clause 8 do stand part of the Bill '.

SRI A. K. THANGAVEL MUDALIAR : Sir, I move—

" In the proposed section 10-A, in line 7, *for* the words ' to inspect ' *substitute* the words ' too redeem' ".

இப்போது இந்த மாறுதல் செய்வதற்கு முக்கியமான காரணம், பார்க்கிறதற்குத்தான் 7 நாள் என்று சொன்னல் மீட்பதற்கு என்ன செய்வது? பார்ப்பதற்கும் மீட்பதற்கும் வெவ்வேறு

அர்த்தம். மீட்பதற்கு at once என்று இருக்கவேண்டும். அப்போதுதான் மூன்றுவது இடத்தில் இருப்பதை வாங்கி வைத்துக் கொள்வார்கள். அப்படியில்லாமல் பார்ப்பதற்கு 7 நாள் என்று சொன்னால் வாங்குவதற்கு நாளே இல்லை என்று சொல்வான். பார்ப்பதற்கும் மீட்பதற்கும் இரண்டிலும் எத்தனை நாள் என்று தெளிவாகப் போடவேண்டும். நான் சரியான வார்த்தையாகப் போடவேண்டுமென்று விரும்புகிறேன். திரு. கே. பாலசுப்ரமணிய அய்யர் அவர்கள் இதற்கு வேண்டியதைப் பார்த்து சேர்த்துக்கொள்வார்கள் என்று நினைக்கிறேன். இரண்டுவிதத் திருத்தம் வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

SRI K. BALASUBRAMANYA AYYAR : I second the amendment, Sir.

* THE HON. SRI M. A. MANICKAVELU : ரிடீம் பண்ணுவது அவ்வாறு இல்லை. அந்தமாதிரி எடுத்துப் போய் வைத்து விடுகிறவன் At once redeem என்றால் உடனே ரிடீம் பண்ணுகிற ஆசாமி பான் புரோக்கரிடம் போகமாட்டான். அந்த வசதி, பணம் இல்லாத ஆசாமிதான் பான் புரோக்கரிடம் போய் வைக்கிறான். at once redeem என்பது ஆகாத காரியம். இருக்கிறதா இல்லையா என்று பார்ப்பதற்குத்தான் நாள் கொடுக்கப் பட்டிருக்கிறது. At once redeem என்ற வார்த்தையைப் போட்டால் சரிப்பட்டு வராது.

MR. CHAIRMAN : Is the hon. Member pressing his amendment?

SRI A. K. THANGAVEL MUDALIYAR : அதுதான் சொல்லி விட்டார்களே. இன்னொரு முறை கொண்டு வரும்போது தெளிவாகக் கொண்டு வருவார்கள் என்று நினைக்கிறேன். நான் எனது திருத்தத்தைத் திரும்பப் பெற்றுக்கொள்ளுகிறேன்.

The amendment was, by leave, withdrawn.

Clause 8 was put and carried.

Clauses 9 to 15 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be pased".

MR. CHAIRMAN : The question is—

"That the Madras Pawnbrokers (Amendment) Bill, 1961 (L.A. Bill No. 30 of 1960), as passed by the Assembly, be pased".

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

III.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 441. *Thirteenth Report of the Committee on Estimates of the Madras Legislative Assembly (Second Assembly) on Harijan Welfare Department.*

* 442. *Short Review of the activities of the Madras State Transport Department for the half-year ended 30th September 1960.*

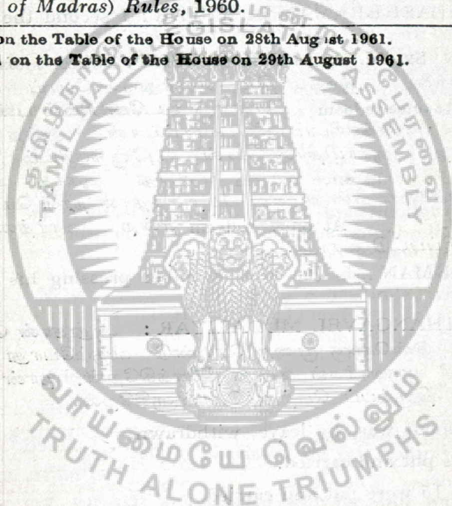
** 443. *Statement regarding Cauvery floods.*

** 444. *Notification issued with G.O. Ms. No. 1734, Home, dated 23rd May 1961, regarding amendment to the Management of Special Homes and Work Houses in the State of Madras (except the City of Madras) Rules, 1960.*

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* Laid on the Table of the House on 28th August 1961.

** Laid on the Table of the House on 29th August 1961.



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APPENDIX I.

[Vide answer to starred question No. 296 asked by Dr. A. Sreenivasan at the meeting of the Legislative Council held on 30th August 1961, page 287 supra].

(a) & (b) During March-April 1961, this State Government undertook the purchase and sale of 5 series of Rs. 5 prize bonds in the districts of Madurai, Coimbatore, Tiruchirappalli, Thanjavur, South Arcot, North Arcot, Salem, Ramanathapuram, Chingleput and the Nilgiris. The purchase of 5 series was effected so that complete series could be sold in one or two adjacent districts. During the two months, the revenue officials of the districts were given imprest advances ranging from Rs. 10,000 to Rs. 25,000 from which they bought and sold the bonds, to the public. As a result of this drive besides these 5 series, a further sum of about half a crore was sold in the districts from out of bonds held by Post Offices.

The first draw in which these bonds became eligible for prizes was held on 1st June 1961. Nearly 1,400 prizes have been won by people in our districts.

Steps have been undertaken to distribute these prizes expeditiously to prize winners.

The instructions issued to District Collectors are concerned mainly with the administrative procedures for working the imprest advances, distribution of prizes, etc.

APPENDIX II.

[Vide answer to starred question No. 301, by Dr. A. Sreenivasan, at the meeting of the Legislative Council held on 30th August 1961, page 290 supra.]

The Tuberculosis Chemotherapy Project in Madras was started in 1956 under the auspices of the Indian Council of Medical Research in collaboration with the WHO/BMRC and the Government of Madras. The object of the project was to find out how effectively the new anti-bacterial drugs can be used in treating tuberculosis patients in their homes as compared to the treatment in hospitals. The study was also utilised to ascertain the prevalence of tuberculosis in family contacts as well as the attack rate in the subsequent years.

2. A detailed protocol was drawn up for conducting the investigations indicating, among other things, criteria for the selection of patients for the study. For the purpose of comparing the effectiveness of domiciliary treatment with that given in hospitals, 100 beds were reserved in Tuberculosis Sanatorium, Tambaram.

3. Up to 1959–60, over 600 patients and over 2,000 contacts were covered by the study. The contacts of every patient were X-rayed before the case was put on treatment and, as far as possible, all the contacts were followed up regularly. The contacts

of both the groups of cases treated at home or in the hospital were included in the study. This is expected to give an indication of the risk, if any to which contacts were exposed when patients were treated at home.

4. Information was collected about the family structure and living conditions of the patients. This is an important factor, as the economic and environmental conditions in which the patients have to be treated in their homes have to be taken into consideration.

The study also included an investigation to compare the diets of sanatorium and domiciliary group of patients with a view to find out the role played by the diet, if any, in the attainment of quiescence when treatment is given with modern anti-bacterial drugs.

The study as planned would also indicate whether it would be possible to secure co-operation of patients for long periods of treatment at home.

5. The Centre has developed a well-equipped Laboratory which is undertaking approximately 1,200 cultures and 300 sensitivity tests a month. Tests to identify the causative organism and virulence studies of different strains are also being carried out.

Some of the virulence studies which were completed a few years ago, yielded very interesting results. These studies covered 83 Indian and 29 British strains of Mycobacterium tuberculosis and were carried out in two laboratories in Britain and one in Madras. A majority of them which were tested were all found to be of human type and all were sensitive to streptomycin and isoniazid. Three strains of guinea-pigs, one bred in London, one in Madras and the third in both places were used in those studies. The results showed that although Madras strains were no less infective than British strains, they were definitely less virulent in the guinea-pigs. The Madras strains were found to have a wider range of virulence and only 30 per cent of them were as virulent as British strains.

6. The incidence of drug resistance in the tuberculosis population is an accepted fact, but there is as yet no information available about the size of this problem and the extent to which it will jeopardise the effective use of drugs on a mass scale. The laboratory is at present carrying out a large number of sensitivity tests and the results are expected to throw some light on the situation.

7. The duration of the follow-up period of patients and their contacts is to be a minimum of five years from the start of treatment of the patients. The follow-up of the first batch of patients admitted in 1956 will be completed this year.

The results of the study on sanatorium treatment versus home treatment have been published in the bulletin of the World Health Organisation (1959, 21, 51–144).

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In spite of the random allocation for treatment, the home series had more severe disease even at the time of admission than the sanatorium series in respect of the extent of cavitation, total extent of the disease, and bacterial content of the sputum, although they were similar in other respects; the pre-treatment differences between the series were greater for females than for males.

8. Despite some differences of the start and in the course of treatment the study still showed that the results of domiciliary Chemotherapy as carried out in the study, approach sufficiently closely the results of sanatorium treatment to suggest that it is appropriate to treat the majority of patients at home. The study of the contacts has revealed that domiciliary treatment of tuberculosis patients for a year, drawn from an under-nourished section of the community and living in a comparatively unfavourable environment, does not in any way expose the contacts to any additional risk of infection, even though the main case, i.e., the source of infection remains in the family till the patient becomes bacteriologically negative. Preliminary analysis of data has also revealed that continuation of treatment in the second year does not confer any further benefit. If these preliminary results are confirmed by a detailed analysis of data, they would certainly provide the basis for the initiation of a national tuberculosis control programme based on sound scientific lines.

9. Up to 1960, fifteen papers/articles embodying the results of the researches and surveys undertaken at the Centre were published.

During 1960 the patients in the home and hospital comparison all completed a second year of treatment and a report on the findings has been published. An analysis of the prevalence of tuberculosis in the contacts of these patients and the attack rates during a year of follow-up has also been published. These reports have shown that in the second year, patients treated at home in the first year fared as well as patients treated in sanatorium, and that they did not expose their contacts to any special risk in the first year.

A report on a third-year follow-up of the home and sanatorium patients, which includes a comparison of three years and two years of Chemotherapy is approaching completion and the second year follow-up of contacts is also approaching completion. The patient follow-up has been 100 per cent complete and the contact follow-up nearly 95 per cent complete. A draft of the dietary report of patients in the home and sanatorium comparison is complete and an analysis of the diet in the second and third years is in progress.

A report on the four different regiments at home for a period of a year has been published as well as a report on peripheral neuritis as a complication of isoniazid therapy. An analysis of the first year attack rate in the contacts of the patients in this study is in progress and a report will be completed soon.

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Studies of serum isoniazid continued throughout the year and four reports on the subject are being drafted.

A comparison of the virulence of British and Indian strains of tubercle bacilli was published and eight other papers are drafted or are in the process of being drafted. A paper has been written on identification tests for tubercle bacilli. A comparison of the sensitivity of British and Indian strains of tubercle bacilli to PAS was completed and a report has been published. A report on the hydrogen peroxide sensitivity test has already been published.

A report on a year's treatment with streptomycin plus pyrazinamide based on 20 patients has already been published and a further report, increasing the numbers to over 60 patients, is being drafted.

A comparison of TH 1314 and TBI in the prevention of cycloserine resistance has been undertaken and a report has been drafted.

A report on the statistical aspects of controlled clinical studies has been drafted.

A number of other studies and reports are in progress both in the laboratory and in the clinic and the next year will see a further large number of publications from the centre.

A pilot intake of patients to a study of the prevention of isoniazid peripheral neuritis was undertaken.

APPENDIX III.

(Vide item II (1) on page 298 supra.)

L.A. BILL No. 28 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Cultivating Tenants Protection Act, 1955 and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

WHEREAS it is expedient further to amend the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956) for the purposes hereinafter appearing; BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961.

(2) It shall be deemed to have come into force on the 2nd March 1960.

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2. *Amendment of Madras Act XXV of* 1955.—In the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) :—

(i) after section 2, the following section shall be inserted, namely :—

" 2-A. *Construction of certain expressions.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ' the commencement of this Act ', ' the day this Act comes into force ', ' the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 ', ' the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956 comes into force ', and ' the coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 ' wherever they occur in this Act except in clause (*a*) of, and Explanation II to, sub-section (2) and sub-section (3) of section 3 shall be construed as referring to ' the 2nd March 1960 '; and the expression ' 31st March 1954 ', wherever it occurs in this Act, shall be construed as referring to ' 31st March 1959 '.";

(ii) to sub-section (3) of section 3, the following Explanation shall be added, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' commencement of this Act ' wherever it occurs in clause (*a*) of this sub-section shall be construed as referring to the date on which the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 is first published in the *Fort St. George Gazette.*";

(iii) to section 4, the following Explanation shall be added at the end, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ' 1st December 1953 ' and ' 1953–54 or 1954–55 ' wherever they occur in this section shall be construed respectively as referring to ' 31st March 1958 ' and ' 1957–58 or 1958–59 '.";

(iv) to section 4-A, the following Explanation shall be added at the end, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' 27th September 1955 ' occurring in sub-section (3) and the expression ' 1954–55 or 1955–56 ' occurring in sub-section (4) shall be construed respectively as referring to ' 2nd March 1960 ' and ' 1957–58 or 1958–59 '.";

(v) in section 7,—

(*a*) in sub-section (1), the words "by notification in the *Fort St. George Gazette* " shall be omitted;

(*b*) for sub-section (2), the following sub-sections shall be substituted, namely :—

" (2) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

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(3) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

3. *Amendment of Madras Act XXIV of* 1956.—In the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956),—

(i) to sub-section (3) of section 1, the following proviso shall be added, namely :—

" provided that in the Shencottah taluk of the Tirunelveli district, it shall come into force on the 2nd March 1960." ;

(ii) in section 3,—

(*a*) to sub-section (1), the following Explanation shall be added, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ' 1st day of October 1956 ' and ' month of September in the year 1956 ' occurring in this sub-section shall be construed respectively as referring to ' 2nd March 1960 ' and ' months of January and February in the year 1960 '." ;

(*b*) in sub-section (7), after Explanation II, the following Explanation shall be added, namely :—

" *Explanation III.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' commencement of this Act ' occurring in this sub-section shall be construed as referring to ' 2nd March 1960 '." ;

(iii) to sub-section (1) of section 5, the following Explanation shall be added at the end, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' the date on which this Act is first published in the *Fort St. George Gazette*,' occurring in the first proviso to this sub-section shall be construed as referring to ' the date on which the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961, is first published in the *Fort St. George Gazette* " ;

(iv) to sub-section (2) of section 14, the following Explanation shall be added, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' the agricultural year ending in 1957 ' in both places where it occurs in this sub-section shall be construed as referring to ' the agricultural year ending in 1962 '." ;

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(v) in section 17,—

(a) in sub-section (1), the words " by notification " shall be omitted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely :—

" (3) (a) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.".

APPENDIX IV.

[Vide item II (2) on page 301 supra.]

L.A. BILL NO. 29 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Tenants and Ryots Protection Act, 1949.

WHEREAS it is expedient further to amend the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the purpose hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Tenants and Ryots Protection (Amendment) Act, 1961.

2. *Amendment of section* 1, *Madras Act XXIV of* 1949.—In section 1, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the words, figures and letters " the 7th October 1961 ", the words, figures and letters " the 7th October 1963 " shall be substituted.

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Appendix V.

[Vide item II (3) on page 304 supra.]

L.A. BILL NO. 30 OF 1961.
(As passed by the Assembly.)

A Bill further to amend the Madras Cultivating Tenants Protection Act, 1955.

Whereas it is expedient further to amend the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the purpose hereinafter appearing;

Be it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Cultivating Tenants Protection (Amendment) Act, 1961.

2. *Amendment of section* 1, *Madras Act XXV of* 1955.—In sub-section (3) of section 1 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the words " for a period of six years ", the words " for a period of eight years " shall be substituted.

Appendix VI.

[Vide item II (4) on page 308 supra.]

L.A. BILL NO. 24 OF 1961.
(As passed by the Assembly.)

A Bill further to amend the Holdings (Stay of Execution Proceedings) Act, 1950, *in its application to the Kanyakumari district.*

Whereas it is expedient further to amend the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), in its application to the Kanyakumari district for the purpose hereinafter appearing;

Be it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Holdings (Stay of Execution Proceedings) (Madras Amendment) Act, 1961.

(2) It extends to the whole of the Kanyakumari district.

2. *Amendment of section* 4, *Travancore-Cochin Act VIII of* 1950.—In section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), for the words " eleven years and six months ", the words " thirteen years and six months " shall be substituted.

APPENDIX VII.

[Vide item II (5) on page 310 supra.]

L.A. BILL NO. 30 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Pawnbrokers Act, 1943.

WHEREAS it is expedient further to amend the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943), for the purposes hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Pawnbrokers (Amendment) Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section* 2, *Madras Act XXIII of* 1943.—In section 2 of the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943) (hereinafter referred to as the principal Act)—

(i) after clause (3), the following clause shall be inserted, namely :—

" (3-A) 'Inspector' means an Inspector appointed under sub-section (1) of section 10-B;";

(ii) in sub-clause (ii) of clause (5), for the words, figures and letter "section 277-F of the Indian Companies Act, 1913", the words, figures, brackets and letter " section 5 (1) (*c*) of the Banking Companies Act, 1949 (Central Act X of 1949)" shall be substituted.

3. *Amendment of section* 4, *Madras Act XXIII of* 1943.—In section 4 of the principal Act—

(*a*) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) Every application for a pawnbroker's licence shall be in writing and shall be made to the licensing authority prescribed under this Act,";

(*b*) to sub-section (2), the following proviso shall be added, namely :—

" Provided that the licence shall not be refused under this sub-section unless the applicant has had a reasonable opportunity of making his representations.";

(*c*) for sub-section (3), the following sub-sections shall be substituted, namely :—

" (3) In granting or refusing to grant a licence under this section, the licensing authority may consult such authority or officer as may be prescribed.

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(3-A) Any person aggrieved by an order of the licensing authority refusing to grant a licence under this section may, within such time as may be prescribed, appeal to such authority as the State Government may specify in this behalf and such authority may make such order in the case as it may think fit."

4. *Amendment of section* 6, *Madras Act XXIII of* 1943.—For sub-section (1) of section 6 of the principal Act, the following sub-section shall be substituted, namely :—

" (1) No pawnbroker shall charge interest in respect of a loan on a pledge at a rate exceeding twelve per cent per annum simple interest (that is to say, one naya paisa per rupee per mensem simple interest)."

5. *Substitution of new section for section* 8, *Madras Act XXIII of* 1943.—For section 8 of the principal Act, the following section shall be substituted, namely :—

" 8. *Conditions relating to redemption of pledge.*—(1) In the absence of a decree or an order of a civil court, or an order of a magistrate or an officer of police not below the rank of Sub-Inspector prohibiting the delivery by the pawnbroker, of the pledge, to the pawner, the pawner shall, on production of the pawn-ticket and on payment of the sum legally payable in respect thereof, be entitled to the delivery of the pledge.

(2) On a declaration in the prescribed form from the pawner that the right to redeem the pledge has been transferred to, or is vested in, some other person and on a declaration from that other person that he is in possession of the pawn-ticket and that he is entitled to redeem the pledge, the pawnbroker shall cause an endorsement to be made on the pawn-ticket that the holder thereof is such other person, and shall cause the necessary entry to be made in the pledge book and thereafter the former person's right to redeem shall be extinguished and such other person shall be deemed to be the pawner for the purposes of this section.

(3) Where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawnbroker may, after obtaining from the person so claiming, a declaration in the prescribed form, allow redemption if the pawnbroker is satisfied that the person who claims to be such messenger or agent is in fact such messenger or agent :

Provided that such pawnbroker shall remain liable to compensate the pawner if it be found later that such messenger or agent had not in fact been duly authorised by the pawner to redeem the pledge :

Provided further that, where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawnbroker may send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and if he does not hear anything from the pawner contrary to the claim within two weeks

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after the date on which the notice would in the usual course of post reach the pawner, the pawnbroker may allow the person claiming to be such messenger or agent to redeem the pledge and shall in that event be exonerated from further liability to the pawner or any person claiming under him.

(4)(*a*) Where the pawner is dead and a person produces the pawn-ticket claiming to be the legal representative of the pawner and offers to redeem the pledge, the pawnbroker shall allow such redemption, after obtaining from such person—

(i) a declaration in the prescribed form duly made by such person before any magistrate or judge; and

(ii) a bond duly executed by such person with one or more sureties to the satisfaction of the pawnbroker or of such authority or person as may be prescribed in this behalf, agreeing to indemnify the pawnbroker in respect of any liability which may be incurred by him by reason of delivering the pledge or otherwise acting in conformity with the declaration :

Provided that no such declaration or bond shall be necessary if such person produces an order of a civil court having jurisdiction to entertain a suit for the redemption of the pledge, authorizing him to redeem the pledge as the legal representative of the deceased pawner and in any such case, the pawnbroker shall allow redemption.

(*b*) The amount of every bond executed under clause (*a*) shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(5) Where a person comes into possession of a pawn-ticket as the assignee of the pawner, such person shall give notice of such assignment to the pawnbroker in the prescribed form, but the pawnbroker shall not be bound to recognize the claim of such person to redeem the pledge unless the pawner intimates to the pawnbroker the fact of such assignment or unless the pawnbroker, after having sent a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker intimating to him the claim made under the alleged assignment, does not hear anything from the pawner contrary to the claim within two weeks after the date on which the notice would in the usual course of post reach the pawner.

(6) Where the pawner alleges that the pawn-ticket has been lost or destroyed and claims redemption of the pledge, the pawnbroker shall, after obtaining from the pawner, a declaration in the prescribed form allow such redemption unless the pawnbroker has received intimation from any other person that he is in possession of the pawn-ticket and is entitled to redeem the pledge :

Prvided that, before allowing such redemption, the pawnbroker may insist on security to his satisfaction or to the satisfaction of such authority or person as may be prescribed in this behalf being given by the pawner against possible claim by any other person.

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(7) . . . Where a person claims to be the owner of a pledge and alleges that the pledge was pawned without his knowledge or authority, the pawnbroker shall take a declaration from such person in the prescribed form and send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and similarly to every other person who has made any claim to the pawnbroker of being entitled to redeem the pledge, and if the pawnbroker does not receive any communication in writitng from the pawner or any other such person prohibiting the delivery of the pledge to the claimant, within two weeks after the date on which the notice or notices would in the usual course of post reach the addressee or addressees, the pawnbroker may allow the claimant to redeem the pledge, and the pawnbroker shall in that event be exonerated from further liability to the pawner or any person claiming under him.".

6. *Omission of section* 9, *Madras Act XXIII of* 1943.—Section 9 of the principal Act shall be omitted.

7. *Amendment of section* 10, *Madras Act XXIII of* 1943.—In section 10 of the principal Act—

(1) in sub-section (1)—

(*a*) in clause (a)—

(i) in sub-clause (iv), the word " and " occurring at the end shall be omitted;

(ii) in sub-clause (v), the word " and " shall be added at the end; and

(iii) after sub-clause (v), the following sub-clause shall be added, namely :—

" (vi) such other particulars as may be prescribed;";

(*b*) to clause (*d*), the following proviso shall be added, namely :—

" Provided that no such statement shall be required to be furnished to a pawner if he is supplied by the pawnbroker with a pass book in the prescribed form containing an up-to-date account of the pawnbroker's transactions with the pawner.";

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be either in English or in such language of the locality as may be prescribed; and all such books, accounts and documents and all pledges taken by the pawnbroker shall be open to inspection at any time by the Inspector having jurisdiction."

8. *Insertion of new sections* 10-*A and* 10-*B in Madras Act XXIII of* 1943.—After section 10 of the principal Act, the following sections shall be inserted, namely :—

" 10-A. *Pawnbroker to keep pledge in his shop or place of business.*—Every pawnbroker shall ordinarily keep every pledge in the shop or place of business for which the licence has been

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granted. If in any case, the pawnbroker keeps the pledge in any place other than such shop or place of business, he shall, within a period of seven days from the date on which the holder of a pawn-ticket intimates his desire to inspect the pledge concerned, produce such pledge at the shop or place of business aforesaid for such inspection.

10-*B* *Appointment of Inspectors and their powers.*—(1) The State Government or any authority or officer empowered by them may, by notification, appoint one or more persons to be Inspectors for the purposes of this Act and specify in such notification the local limits of their jurisdiction.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(3) (*a*) A magistrate of the first-class in the mufassal or a Presidency Magistrate in the Presidency-town may, on receiving a report from an Inspector or from any police officer not below the rank of Sub-Inspector that—

(i) any person carries on business as a pawnbroker without a licence at any place within the jurisdiction of such magistrate, or

(ii) any pawnbroker carries on business in contravention of the provisions of this Act or the rules made thereunder or the conditions of the licence granted under this Act, at any place within the jurisdiction of such magistrate,

issue a warrant empowering the Inspector or, as the case may be, such police officer to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises. On receiving such warrant, the Inspector or the police officer may enter the place and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises and may take to his office for further investigation such books, accounts, records, files and documents as he considers necessary :

Provided that if the Inspector or the police officer removes from the premises any books, accounts, records, files and documents, he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files and documents so removed by him :

Provided further that within twenty-four hours of the removal of the books, accounts, records, files and documents from the premises, the Inspector or the police officer shall either return them to the person from whose custody they were removed or produce them in the court of the magistrate who issued the warrant. Such magistrate may return the books, accounts, records, files and documents or any of them to the person from whose custody they were removed by the Inspector or the police officer, after taking from such person such security as the magistrate considers necessary for the production of the books, accounts, records, files and

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documents when required whether by the Inspector, the police officer or the court, or may pass such other orders as to their disposal as appear just and convenient to the magistrate.

(*b*) An Inspector shall have authority to require any person whose testimony he may require regarding any loan or pledge or any other transaction of a pawnbroker to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to an officer-in-charge of a police station and take police officers to accompany and assist the Inspector in performing his duties under this Act."

9. *Substitution of new sections for sections* 11 *and* 12, *Madras Act XXIII of* 1943.—For sections 11 and 12 of the principal Act, the following sections shall be substituted, namely :—

" 11. *Redemption of pledge.*—(1) Every pledge shall be redeemable within one year from the date of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge shall continue to be redeemable.

(2) A pledge shall further continue to be redeemable until it is disposed of as provided in this Act, although the period of redemption and days of grace have expired.

Explanation.—Where the contract betwen the parties provides a longer period for redemption than one year, the provisions of this section shall be read and construed as if references to such longer period had been substituted for the references to the period of one year therein.

12. *Sale of pledge and inspection of sale book.*—(1) A pledge pawned shall not be disposed of by the pawnbroker otherwise than by sale at a public auction, conducted in accordance with such rules as may be prescribed.

(2) Where the highest bid at the sale by auction is the bid of the pawnbroker, the sale shall not take effect unless the bid is for a sum exceeding the sum payable on the pawn inclusive of interest and prescribed charges.

(3) At any time within three years after the public auction, the holder of the pawn-ticket may inspect the entry relating to the sale either in the pawnbroker's book or in such catalogue of the auction as may be prescribed.

(4) (*a*) Where a pledge has been sold for more than the amount of the loan and the interest and prescribed charges due at the time of the sale, the pawnbroker shall pay to the holder of the pawn ticket on demand made within three years after the sale, the surplus after deducting therefrom the necessary costs and prescribed charges of the sale.

(*b*) If on such demand it appears that the sale of the pledge has resulted in a surplus but that within twelve months before such sale, the sale of any other pledge or pledges of the same

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person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus and shall be liable to pay only the balance, if any, after such set off.''

10. *Amendment of section* 13, *Madras Act XXIII of* 1943.—In sub-section (1) of section 13 of the principal Act, for the words '' Where a pledge is destroyed or damaged by or in consequence of fire '' the words '' Where a pledge is lost by theft or is destroyed or damaged by or in consequence of fire, '' shall be substituted.

11. *Insertion of new sections* 14-*A to* 14-*D in Madras Act XXIII of* 1943.—After section 14 of the principal Act, the following sections shall be inserted, namely :—

'' 14-A. *Power to cancel licences, etc.*—(1) The licensing authority specified in sub-section (1) of section 4 may, at any time, during the term of any licence, cancel it by an order in writing—

(*a*) if the licensee carries on the business in contravention of any of the provisions of this Act or the rules made thereunder or of the conditions of the licence, or

(*b*) if any reason for which such authority could have refused to grant the licence to the pawnbroker under sub-section (2) of section 4, is brought to the notice of that authority after the grant of the licence, or

(*c*) if the licensee is convicted for an offence under sub-section (1) of section 15, or

(*d*) if the licensee maintains false accounts.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence under sub-section (1), may, within such time as may be prescribed, appeal to such authority as the State Government may specify in this behalf and such authority may make such order in the case as it may think fit.

14-B. *Publication of order of cancellation.*—Every order of cancellation of a licence under section 14-A shall be notified in the District Gazette and also on the notice-board of the office of the licensing authority.

14-C. *No compensation for cancellation of licence.*—A person whose licence is cancelled under section 14-A shall not be entitled to any compensation in respect of such cancellation or to the refund of any fee paid in respect of such licence.

14-D. *Auctioneers to maintain certain registers.*—(1) Auctioneers conducting sales under this Act of pledges shall maintain such registers containing such particulars as may be prescribed.

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(2) At any time within three years after the public auction, any police officer not below the rank of Sub-Inspector may inspect the registers referred to in sub-section (1) at all reasonable times and at such place as mey be prescribed. "

12. *Substitution of new section for section* 16, *Madras Act XXIII of* 1943.—For section 16 of the principal Act, the following section shall be substituted, namely :—

" 16. *Certain other acts of pawnbrokers to be punishable.*—A pawnbroker, who—

(1) takes an article in pawn from any person appearing to be under the age of eighteen years, or to be of unsound mind; or

(2) purchases or takes in pawn or exchanges a pawn-ticket issued by another pawnbroker; or

(3) employs any person under the age of eighteen years to take pledges in pawn; or

(4) under any pretence purchases, except at a public auction, any pledge while in pawn with him; or

(5) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or

(6) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption; or

(7) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as is authorised by or under this Act,

shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. "

13. *Omission of section* 20, *Madras Act XXIII of* 1943.—Section 20 of the principal Act shall be omitted.

14. *Amendment of section* 21, *Madras Act XXIII of* 1943.—In the first paragraph of section 21 of the principal Act—

(i) for the words and brackets " Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision of this Act relating to licences), " the words " Where a pawnbroker is guilty of an offence under this Act or where his licence is cancelled under any of the provisions of this Act " shall be substituted;

(ii) after the words " that offence " in both the places where those words occur, the words " or cancellation " shall be inserted;

(iii) the following words shall be added at the end, namely :—

" nor shall that offence or cancellation affect any obligation or liability incurred by the pawnbroker before that offence or cancellation.".

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15. *Amendment of section 22, Madras Act XXIII of 1943.*—In section 22 of the principal Act—

(1) in sub-section (1), the words " after previous publication " shall be omitted;

(2) for sub-section (3), the following sub-sections shall be substituted, namely :—

" (3) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the Table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."